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# Latin America

## COLOMBIA:
## POLITICAL CONSTITUTION OF 1991

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## SUPPLEMENT
## *COLOMBIA*
## Political Constitution of 1991

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**NOTICE TO READERS:** An * indicates material not disseminated in electronic form.


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## * 1991 Political Constitution of Colombia

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[Text]

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### Preamble

The people of Colombia, exercising their sovereign power, represented by their delegates to the National Constituent Assembly, invoking the protection of God, and for the purpose of strengthening the unity of the nation and guaranteeing its members life, coexistence, work, justice, equality, knowledge, liberty, and peace in a legal, democratic, and participatory framework guaranteeing a just political, economic, and social order, and pledged to promote the integration of the Latin American community,

Decree, sanction, and promulgate the following:

Political Constitution of Colombia.

### Title I—Fundamental Principles

**Article 1.**

Colombia is a social state governed by law and organized in the form of a republic that is unitary, decentralized

with autonomous territorial entities, democratic, participatory and pluralistic, and based on respect for human dignity, on the labor and solidarity of its individual members, and on the ascendancy of the general interest.

**Article 2.**

The basic purposes of the state are to serve the community, promote the general prosperity and guarantee the effectiveness of the principles, rights, and duties established by the Constitution, facilitate participation by all in decisions affecting them and in the economic, political, administrative, and cultural life of the nation, defend national independence, preserve territorial integrity, and ensure peaceful coexistence and the efficacy of a just order.

The authorities of the republic are instituted to protect all persons residing in Colombia with respect to their life, honor, property, beliefs, and other rights and freedoms and to ensure fulfillment of the social duties of the state and of private individuals.

**Article 3.**

Sovereignty resides exclusively in the people, from whom public power issues. The people exercise that sovereignty directly or through their representatives as provided in the Constitution.

**Article 4.**

The Constitution is the rule by which other rules are measured. In case of incompatibility between the Constitution and the law or any other legal rule, the constitutional provisions shall prevail.

It is the duty of nationals and foreigners in Colombia to comply with the Constitution and laws and to respect and obey the authorities.

**Article 5.**

The state recognizes the primacy of the inalienable rights of the individual with no discrimination whatever and protects the family as being the basic institution of society.

**Article 6.**

Individuals are answerable to the authorities only for infringement of the Constitution and the law. The same applies to public employees on those same grounds and also for nonfeasance or abuse of authority.

**Article 7.**

The state recognizes and protects the ethnic and cultural diversity of the Colombian nation.

**Article 8.**

It is the obligation of the state and of individuals to protect the nation's cultural and natural resources.

**Article 9.**

The state's foreign relations are based on national sovereignty, respect for the self-determination of peoples, and recognition of the principles of international law as accepted by Colombia.

In addition, Colombia's foreign policy shall be directed toward the integration of Latin America and the Caribbean.

**Article 10.**

Spanish is the official language of Colombia. The languages and dialects of the ethnic groups are also official in their respective territories. The education provided in communities with their own linguistic traditions shall be bilingual.

## Title II—Rights, Guarantees, and Duties

### Chapter 1—Fundamental Rights

**Article 11.**

The right to life is inviolable. There shall be no death penalty.

**Article 12.**

No one shall be subjected to forced disappearance, torture, or cruel, inhumane, or degrading treatment or punishment.

**Article 13.**

All persons are born free and equal before the law, shall receive the same protection and treatment from the authorities, and shall enjoy the same rights, freedoms, and opportunities with absolutely no discrimination on the basis of sex, race, national or family origin, language, religion, or political or philosophical opinion.

The state shall promote the conditions for real and effective equality and shall adopt measures favoring groups which are discriminated against or underprivileged.

The state shall protect in particular those individuals who are in a position of obvious weakness because of their economic, physical, or mental condition and shall punish any abuse or mistreatment to which they are subjected.

**Article 14.**

Every person is entitled to recognition of his or her legal status.

**Article 15.**

All individuals are entitled to personal and family privacy and their good name, and the state must respect and enforce respect for those rights. Individuals are also entitled to inspect the information gathered concerning

them and stored in data banks and in the files of public and private organizations and to update and correct such information.

In the collection, processing, and circulation of data, the freedom and other guarantees established in the Constitution shall be respected. Correspondence and other forms of private communication are inviolable. They may be intercepted or recorded only by a court order issued in such instances and manner as the law may provide.

For purposes related to tax or legal matters and for the purposes of inspection, supervision, and intervention by the state, the presentation of books of account and other private documents may be required under the conditions provided by law.

**Article 16.**

Every person has the right to freely develop his or her personality with no restrictions other than those imposed by the rights of others and by legal order.

**Article 17.**

Slavery, servitude, and trafficking in human beings are prohibited in all their forms.

**Article 18.**

Freedom of conscience is guaranteed. No one shall be disturbed because of his or her convictions or beliefs, compelled to reveal them, or obliged to act against his or her conscience.

**Article 19.**

Freedom of worship is guaranteed. All persons are entitled to freely profess their religion and to spread it individually or collectively.

All religious denominations and churches are equally free before the law.

**Article 20.**

All persons are guaranteed the freedom to express themselves and spread their ideas and opinions, the freedom to provide and receive truthful and impartial information, and the freedom to establish mass media.

Such mass media are free and have social responsibility. The right to rectification under fair conditions is guaranteed. There shall be no censorship.

**Article 21.**

The right to honor is guaranteed. The means of protecting it shall be established by law.

**Article 22.**

Peace is a right and a duty which it is compulsory to uphold.

**Article 23.**

Every person is entitled to submit respectful petitions to the authorities on grounds of general or private interest and to obtain a prompt decision. The legislators may regulate the exercise of this right in dealings with private organizations so as to guarantee fundamental rights.

**Article 24.**

Within the limits established by law, every Colombian is entitled to circulate freely in the national territory, to enter and leave it, and to remain in and establish residence in Colombia.

**Article 25.**

Work is a right and a social obligation, and in all its forms, it enjoys the special protection of the state. Every person is entitled to employment in dignified and fair conditions.

**Article 26.**

Every person is free to choose a profession or occupation. The law may require certificates of competence. The appropriate authorities shall oversee and supervise the exercise of the professions. With the exception of those involving a social risk, occupations, crafts, and trades which do not require academic training may be freely engaged in.

Legally recognized professions may be organized into associations. The internal structure and the functioning of those associations must be democratic. The law may assign public duties to them and establish the appropriate controls.

**Article 27.**

The state guarantees the freedoms of education, apprenticeship, and research and the freedom to teach.

**Article 28.**

Every person is free. No one may be disturbed in his or her person or family, subjected to imprisonment or arrest, or detained, nor may any person's domicile be searched except by virtue of a written order issued by the appropriate judicial authority in the proper legal manner and for a cause previously stipulated by law.

An individual in detention on remand shall be placed at the disposal of the appropriate judge within the following 36 hours in order that the latter may make the appropriate decision as provided by law.

Under no circumstances may an individual be detained, imprisoned, or arrested for indebtedness, nor shall there be imprescriptible penalties or security measures.

**Article 29.**

Due process shall be observed in every kind of judicial and administrative action.

No one may by tried except by virtue of laws in existence before the act with which the individual is charged, and the individual must be tried before the appropriate judge or court, with all the formalities proper to the trial being fully observed.

In penal matters, permissive or favorable law, even when subsequent to the act in question, shall be applied in preference to restrictive or unfavorable law. Every person is considered innocent until proven guilty in a court of law. During the investigation and the trial, the defendant has the right to be defended and assisted by an attorney chosen by the defendant or by the court. The defendant is entitled to due public process without unjustified delays and has the right to present evidence and dispute that presented against him, to challenge a verdict of guilty, and not to be tried twice for the same act.

Evidence obtained in violation of due process has no legal validity.

**Article 30.**

Anyone who is imprisoned and believes that his imprisonment is illegal has the right to petition any judicial authority, at any time and on his own behalf or through an intermediary, for a writ of habeas corpus, in which case a ruling must be made within 36 hours.

**Article 31.**

Any court sentence may be appealed or reviewed except as provided by law.

A higher court may not increase the penalty imposed when the convicted individual is the sole appellant.

**Article 32.**

An offender caught in flagrante delicto may by arrested and taken before a judge by any person. If the agents of public authority are pursuing an offender and he takes refuge in his own home, they may enter that home for the purpose of apprehending him; if he takes refuge in someone else's home, the resident of the said home must be notified first.

**Article 33.**

Individuals may not be compelled to testify against themselves or their spouse, permanent companion, or relatives within the fourth degree of consanguinity, the second degree by marriage, or the first civil degree.

**Article 34.**

Deportation, life imprisonment, and confiscation are prohibited.

Nevertheless, ownership of assets acquired to the detriment of the public treasury or with serious impairment of public morals shall be declared dissolved by a court judgment.

**Article 35.**

The extradition of native-born Colombians is prohibited.

Foreigners shall not be extradited for political crimes or crimes of opinion.

Colombians who have committed crimes abroad shall be prosecuted and tried in Colombia, provided that their actions are considered crimes under the terms of national legislation.

**Article 36.**

The right to asylum is recognized under the conditions provided by law.

**Article 37.**

Any portion of the population may meet and express itself publicly and peacefully. Only the law may stipulate, in express terms, those cases in which the exercise of this right may be limited.

**Article 38.**

The right of free association for the purpose of pursuing the various activities engaged in by individuals in society is guaranteed.

**Article 39.**

Workers and employers have the right to establish labor unions or associations without intervention by the state. They obtain legal recognition by the simple act of filing their incorporation papers.

The internal structure and functioning of labor unions and social and occupational organizations are subject to legal order and democratic principles.

Legal status may be cancelled or suspended only by judicial means.

The jurisdiction of union representatives and the other guarantees necessary for carrying out their duties are recognized.

Members of the Armed Forces and the Police Force do not have the right to form unions.

**Article 40.**

All citizens have the right to participate in the makeup, exercise, and oversight of political power. To exercise that right, they may:

1. Elect and be elected.
2. Take part in elections, plebiscites, referendums, balloting, and other forms of democratic participation.
3. Form political parties, movements, and groups with no restrictions whatever and freely belong to them and propagate their ideas and programs.
4. Revoke the mandates of elected officials under the circumstances and in the manner prescribed by law.

5. Have the initiative in public corporations.
6. Institute criminal proceedings in defense of the Constitution and the law.
7. Perform public functions and occupy public positions, the exception being Colombians by birth or adoption who possess double nationality. The law shall regulate that exception and stipulate the cases to which it shall apply.

The authorities shall guarantee adequate and effective participation by women at the decisionmaking levels of public administration.

**Article 41.**

In all educational institutions, whether public or private, the study of the Constitution and civic instruction shall be compulsory. In addition, democratic practices shall be encouraged so that the principles and values of citizen participation are learned. The state shall publish and disseminate the Constitution.

**Chapter 2—Social, Economic, and Cultural Rights**

**Article 42.**

The family is the basic unit of society. It results from natural or legal ties, the free decision of a man and a woman to contract matrimony, or the responsible desire to constitute a family.

The state and society guarantee the complete protection of the family. The law may determine what constitutes an inalienable family estate not subject to attachment. The honor, dignity, and privacy of the family are inviolable.

Family relations are based on the equality of a married couple's rights and duties and on mutual respect among all family members. Any form of violence in the family is considered destructive to its harmony and unity and shall be punished as provided by law.

Children born inside or outside matrimony, whether adopted or procreated naturally or with scientific assistance, have equal rights and duties. The law shall regulate the question of responsible bloodlines.

A married couple has the right to decide the number of its children freely and responsibly and must support and educate its children as long as they are minors or handicapped.

Forms of matrimony, the age and capacity for contracting it, the duties and rights of the spouses, their separation, and dissolution of the marriage tie are governed by civil law.

Religious marriages shall have civil effect as provided by law.

The civil effect of any marriage shall cease as a result of divorce according to civil law.

When granted by authorities of the religion having jurisdiction, annulments of religious marriages shall also have civil effect as provided by law.

The law shall regulate the civil status of persons and the rights and duties arising therefrom.

**Article 43.**

Women and men have equal rights and opportunities. Women may not be subjected to any kind of discrimination. During pregnancy and after childbirth, they shall enjoy the special assistance and protection of the state and receive a food subsidy from the latter if they are unemployed or have been abandoned.

The state shall provide special assistance for women who are heads of households.

**Article 44.**

Children have these fundamental rights: life, physical integrity, health and social security, a well-balanced diet, their name and nationality, a family from which they cannot be separated, care and love, education and culture, recreation, and free expression of their opinions. They shall be protected from all forms of abandonment, physical or moral violence, kidnapping, sale, sexual abuse, economic or labor exploitation, and dangerous work. They shall also enjoy all the other rights established by the Constitution, the law, and international treaties ratified by Colombia.

The family, society, and the state have the obligation to assist and protect children by guaranteeing their harmonious and integrated development and the full exercise of their rights. Any person may demand that the appropriate authority enforce these provisions and punish violators.

The rights of children take precedence over the rights of anyone else.

**Article 45.**

Adolescents are entitled to protection and a complete education.

The state and society guarantee the active participation of young people in public and private organizations responsible for the protection, education, and progress of young people.

**Article 46.**

The state, society, and the family shall cooperate in protecting and assisting the elderly and shall promote their integration into active and community life.

The state shall guarantee them the services of full social security and a food subsidy in case of indigence.

**Article 47.**

The state shall promote a policy for the welfare, rehabilitation, and social integration of the physically, sensorially, or mentally handicapped, who shall be given the special attention they require.

**Article 48.**

Social security is a public service of compulsory character that shall be administered under the direction, coordination, and control of the state in accordance with the principles of efficiency, universality, and solidarity and as provided by law.

All inhabitants are guaranteed the unrenounceable right to social security.

The state, with the participation of private individuals, shall gradually expand social security coverage to include the provision of services in the manner established by law. Social security may be provided by public or private organizations in accordance with the law.

The funds of social security institutions cannot be allocated to or used for purposes unrelated to social security.

The law shall determine the means of ensuring that funds intended for pensions maintain their constant purchasing power.

**Article 49.**

Attention to health and environmental sanitation are public services for which the state is responsible. All persons are guaranteed access to services for promoting, protecting, and restoring health.

It is the state's responsibility to organize, manage, and regulate the provision of health services to the inhabitants and the providing of environmental sanitation in keeping with the principles of efficiency, universality, and solidarity. The state shall also establish policies for the provision of health services by private organizations and oversee and monitor such services. It shall also determine the responsibilities of the national government, the territorial entities, and private individuals and determine their contributions under the terms and conditions provided by law.

The health services shall be organized in a decentralized manner based on level of care and with the participation of the community.

The law shall establish the terms under which basic care for all inhabitants will be free and compulsory.

All persons are entitled to obtain complete care of their own health and that of their community.

**Article 50.**

Every child under one year of age that is not covered by some type of protection or social security shall be entitled to free care in all health institutions receiving contributions from the state. This matter shall be regulated by law.

**Article 51.**

All Colombians are entitled to decent housing. The state shall establish the necessary conditions for implementing this right and shall promote low-cost housing plans, appropriate long-term financing systems, and associative methods of implementing those housing programs.

**Article 52.**

The right of all persons to recreation, the practice of sports, and the advantageous use of free time is recognized. The state shall encourage those activities and shall supervise sports organizations, whose structure and ownership shall be democratic.

**Article 53.**

Congress shall determine the status of labor. The resulting law shall take into account at least the following basic minimum principles:

Equal opportunity for workers; a minimum basic wage subject to change in proportion to the quantity and quality of work; job stability; the nonwaivability of minimum benefits established by labor policies; the right to negotiate and reach agreement concerning uncertain and debatable rights; treatment favoring the worker in case of doubts concerning the implementation and interpretation of formal sources of law; the primacy of reality over formalities established by the parties involved in labor relations; the guarantee of social security, training, instruction, and necessary rest; and special protection for women, mothers, and underage workers.

The state guarantees the right to an appropriate pay level and to periodic increases in legal pensions.

Duly ratified international labor agreements are a part of domestic legislation.

Laws, contracts, pacts, and labor agreements cannot impair freedom, human dignity, or the rights of workers.

**Article 54.**

It is the obligation of the state and the employers to provide instruction and occupational and technical training for those who request it. The state must promote the job placement of individuals of working age and guarantee the handicapped the right to a job suited to their health conditions.

**Article 55.**

The right to regulate labor relations by collective bargaining is guaranteed except as provided by law.

It is the duty of the st .e to promote dialogue and all other means for the pe..ceful solution of collective labor disputes.

**Article 56.**

The right to strike is guaranteed except in essential public services as defined by legislation.

The law shall regulate this right.

A permanent commission consisting of the government and representatives of the employers and the workers shall promote good labor relations, contribute to the solution of collective labor disputes, and harmonize wage and labor policies. The law shall regulate its makeup and operation.

**Article 57.**

The law may establish incentives and means for worker participation in the management of firms.

**Article 58.**

Private property and all other rights acquired in accordance with civil law are guaranteed. Those rights cannot be rescinded or violated by subsequent laws. In cases where implementation of a law issued under the concept of eminent domain or on the grounds of social interest will result in a conflict between the rights of individuals and the necessity recognized by that law, the private interest must yield to the public or social interest.

Property ownership is a social function entailing obligations. As such, an ecological function is inherent in it.

The state shall protect and promote associative and joint forms of ownership.

For the purposes of eminent domain or social interest as defined by legislation, and subject to prior indemnification, there may be court-ordered expropriation. The amount of indemnification shall be determined on the basis of the interests of the community and the individual affected. In the cases stipulated by law, the date of the expropriation in question may be moved up by administrative means, subject to subsequent administrative legal action that will also be concerned with the price.

However, for reasons of equity, the legislators may stipulate cases in which indemnification is not to be paid. A favorable vote by an absolute majority of the members of both houses is required.

Neither reasons of equity nor grounds of eminent domain or social interest as defined by the legislators shall be challenged in the courts.

**Article 59.**

In c. : of war, and for the sole purpose of meeting its requirements, the need for expropriation without prior indemnification m. y be decreed by the national government.

In the above-mentioned case, real estate may be occupied only temporarily to meet the needs of the war or to produce for the war.

The state shall always be liable for expropriations carried out by the government itself or through its agents.

**Article 60.**

The state shall promote access to property ownership in accordance with the law.

When the state sells or otherwise disposes of a firm, it shall take steps to democratize ownership of the firm's shares and shall offer the employees, associations, and workers' organizations special terms for acquiring ownership of the said shares. The law shall regulate this matter.

**Article 61.**

The state shall protect intellectual property for the period of time and according to the formalities provided by law.

**Article 62.**

The use of gifts inter vivos or testamentary gifts made in accordance with the law for social purposes may not be altered or modified by the legislators unless the object of the gift ceases to exist. In that case, the law shall assign the respective assets to a similar purpose.

The government shall oversee the handling and investment of such gifts.

**Article 63.**

Property for public use, natural parks, the community lands of ethnic groups, protected areas, the archeological resources of the nation, and all other property as determined by law shall be inalienable, imprescriptible, and unattachable.

**Article 64.**

It is the duty of the state to promote gradual access to land ownership on the part of agrarian workers, either as individuals or in associations, and to the services of education, health, housing, social security, recreation, credit, communications, product marketing, and technical and business assistance for the purpose of improving the incomes and quality of life of the peasants.

**Article 65.**

Food production shall enjoy the state's special protection. For this purpose, priority shall be assigned to the complete development of agricultural, stockraising, fishing, forestry, and agroindustrial activities, the construction of physical infrastructure, and soil improvement. The state shall also promote research and technology transfer for the production of foodstuffs and raw materials of agricultural or stockraising origin for the purpose of increasing productivity.

**Article 66.**

Credit regulations may include provisions regulating the special conditions affecting agricultural credit by taking into account crop and price cycles as well as the risks inherent in that activity and environmental disasters.

**Article 67.**

Education is a right of the individual and a public service which has a social function; it is a means of access to knowledge, science, technology, and all the other benefits and values of culture.

Education shall train the Colombian to respect human rights, peace, and democracy and to engage in work and recreation for cultural, scientific, and technological improvement and protection of the environment.

The state, society, and the family are responsible for education, which shall be compulsory between the ages of five and 15 years and shall include, as a minimum, one of year of preschool and nine years of basic education.

Education shall be free in state institutions, provided, however, that academic fees may be collected from those who can afford them.

It is the state's responsibility to regulate education and to exercise supreme supervision and oversight in that field to ensure the quality of education, the accomplishment of its purposes, and the improved moral, intellectual, and physical training of students and to guarantee minors the necessary conditions for their access to and continuation in the educational system.

The national government and the territorial entities shall participate in the management, financing, and administration of state educational services as provided by the Constitution and by law.

**Article 68.**

The state guarantees the freedoms of instruction, apprenticeship, research, and professorship.

Private individuals may establish educational institutions. The law shall stipulate the conditions governing their establishment and operation.

The educational community shall participate in the administration of educational institutions.

Instruction shall be in the hands of individuals of recognized ethical and pedagogical competence. The law guarantees the professional status and dignity of the teaching profession.

Parents shall have the right to choose the type of education their minor children will receive. In state institutions, no one shall be compelled to receive a religious education. The members of ethnic groups shall have the right to an education which respects and develops their cultural identity.

The eradication of illiteracy and the education of individuals with physical or mental limitations or with exceptional capabilities are special obligations of the state.

**Article 69.**

The autonomy of universities is guaranteed. Universities may establish their own governing bodies and govern themselves by their own statutes in accordance with the law.

The law shall establish a special set of rules for state universities.

The state shall strengthen scientific research in public and private universities and provide special conditions for its development.

The state shall provide financial mechanisms enabling qualified persons to gain access to higher education.

**Article 70.**

The state has the duty to promote and encourage access to culture by all Colombians under equal conditions through permanent education and scientific, technical, artistic, and professional instruction at all stages of the process of creating the national identity.

Culture in its various forms is the foundation of nationality. The state recognizes the equality and dignity of all those living together in this country. The state shall promote research and knowledge concerning the nation's cultural values as well as their development and dissemination.

**Article 71.**

The search for knowledge and artistic expression are unrestricted. The economic and social development plans shall provide encouragement for the sciences and, in general, for culture. The state shall create incentives for individuals and institutions engaged in developing and promoting science and technology and other cultural manifestations and shall provide special inducements for individuals and institutions engaging in those activities.

**Article 72.**

The cultural wealth of the nation is under the protection of the state. The archeological wealth and other cultural

assets constituting a part of the national identity belong to the nation and are inalienable, unattachable, and imprescriptible. The law shall establish mechanisms for reacquiring those assets when they are in the hands of private individuals and shall regulate any special rights which may belong to ethnic groups living in territories containing archeological riches.

**Article 73.**

All persons are guaranteed the freedom to express and disseminate their ideas and opinions and to give and receive truthful and impartial information. Among these freedoms is the freedom to establish mass media.

The mass media are free of restriction and have a social responsibility. The right to rectification under fair conditions is guaranteed. There shall be no censorship.

**Article 74.**

Journalistic activity shall enjoy protection to ensure its freedom and professional independence.

All persons have the right of access to public documents except in cases stipulated by law.

Professional secrecy is inviolable.

**Article 75.**

The electromagnetic spectrum is inalienable and imprescriptible public property subject to the management and control of the state. Equal access to its use is guaranteed as provided by law.

To guarantee pluralism in information and competence, the state shall intervene by authority of the law to prevent monopolistic practices in the use of the electromagnetic spectrum.

**Article 76.**

State use of the electromagnetic spectrum dedicated to television service shall be the responsibility of an organization in public law with legal personality, autonomy in terms of administration, assets, and technology, and subject to its own legal rules.

The said organization shall develop and implement the state's plans and programs for the service referred to in the above paragraph.

**Article 77.**

Administration of the policy governing television as determined by law, without prejudice to the freedoms established in this Constitution, shall be the responsibility of the above-mentioned organization.

Television shall be regulated by an autonomous entity of nationwide scope that is subject to its own legal rules. The management and exercise of that entity's functions shall be the responsibility of a governing board which shall appoint its own director. The members of the governing board shall serve a fixed term. The national government shall appoint two of them. Another member shall be chosen by the regional television channels. The law shall regulate the appointment of the other members.

A law shall regulate the organization and operation of that entity.

**Chapter 3: Collective and Environmental Rights**

**Article 78.**

The law shall regulate quality control in connection with goods and services offered and provided to the community as well as the information which must be supplied to the public in connection with their marketing. Those who, in the process of producing and marketing goods and services, cause harm to health and safety or fail to provide suitable supplies to consumers and users shall be liable for their actions as provided by law.

The state shall guarantee the participation of consumer and user organizations in examining the provisions which concern them. To enjoy this right, the organizations in question must be representative and must observe democratic internal procedures.

**Article 79.**

All persons have the right to enjoy a healthful environment. The law shall guarantee community participation in decisions which may affect the environment.

It is the duty of the state to protect the diversity and integrity of the environment, preserve areas of special ecological importance, and promote education for the attainment of those ends.

**Article 80.**

The state shall plan the management and exploitation of natural resources in order to guarantee their sustainable development, restoration, or replacement.

In addition, it must anticipate and control the factors responsible for environmental deterioration, impose legal penalties, and require the repairing of any damage done.

Moreover, it shall cooperate with other nations in protecting the ecosystems located in the border zones.

**Article 81.**

The manufacture, importation, possession, and use of chemical, biological, and nuclear weapons is prohibited, as is the introduction into the national territory of nuclear or toxic waste.

The state shall regulate the entry into the country and the exit from it of genetic resources and their use in conformity with the national interest.

**Article 82.**

It is the duty of the state to protect the integrity of public space and its availability for public use, which takes precedence over private use.

Government entities shall share in the increased value resulting from their town-planning activities and shall regulate land use and the use of urban airspace in the common interest.

**Chapter 4—Protection and Implementation of Rights**

**Article 83.**

Actions by individuals and the public authorities must conform to the principles of good faith, which shall be presumed to exist in all actions undertaken by the former in their dealings with the latter.

**Article 84.**

When a right or activity has been regulated in general terms, the public authorities may neither establish nor demand permits, licenses, or compliance with additional requirements in connection with the exercise of that right or activity.

**Article 85.**

The rights established in Articles 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26 27, 28, 29, 30, 31, 33, 34, 37, and 40 become effective immediately.

**Article 86.**

Every person shall have the right to bring an action for protection [accion de tutela] before a judge at any time and anywhere, through a priority summary proceeding, either by himself or through someone acting on his behalf, to seek the immediate protection of his basic constitutional rights whenever those rights are vulnerable to or threatened by acts or omissions on the part of any public authority.

The said protection shall consist of an order to the party from whom protection is being sought to act or to refrain from acting. The court order, which is to be enforced immediately, may be challenged before the appropriate judge, who in all cases shall submit it to the Constitutional Court for possible review.

This action shall be allowable only when the injured party has no other means of judicial defense except that which can be employed as a temporary mechanism to prevent irreparable harm.

In no case may more than 10 days pass between the petition for protection and the court's resolution of the matter.

The law shall determine those cases in which action for protection may be brought against individuals responsible for providing a public service or whose conduct is causing serious and direct harm to the collective interest or with respect to whom the petitioner is in a position of subordination or defenselessness.

**Article 87.**

Every person may have recourse to the judicial authorities to enforce implementation of a law or administrative act. If the action is successful, the judgment shall order the recalcitrant authority to carry out the omitted duty.

**Article 88.**

The law shall regulate criminal proceedings to protect collective rights and interests related to public property, space, safety, and health or to administrative morality, the environment, free economic competition, and other matters of a similar nature as set forth in the said law.

It shall also regulate legal actions brought as a result of damage done to a number of persons, without prejudice to the corresponding actions brought by individuals.

It shall also define cases of objective civil liability for the damage done to collective rights and interests.

**Article 89.**

In addition to the legal actions provided for in the preceding articles, the law shall establish all other forms of recourse, actions, and procedures necessary for defending the integrity of legal order and protecting individual, group, or collective rights in response to actions or omissions by public authorities.

**Article 90.**

The state shall be liable financially for illegal damages attributable to it and caused by action or omission on the part of public authorities.

If the state is ordered by a court to make financial restitution for an instance of such damage which was the result of fraudulent or seriously negligent conduct by one of its agents, it must recover the amount in question from that agent.

**Article 91.**

In case of manifest violation of a constitutional precept to the detriment of an individual, the fact that an agent was following orders does not exempt him from responsibility.

Military personnel on active duty are exempt from this provision. In their case, responsibility shall fall solely on the superior who gave the order.

**Article 92.**

Any natural or legal person may petition the appropriate authority to impose penal or disciplinary sanctions applying to the conduct of public authorities.

**Article 93.**

International treaties and agreements which have been ratified by Congress, recognize human rights, and prohibit their restriction during states of exception shall prevail in domestic law.

The rights and duties established in this Charter shall be interpreted in conformity with international treaties on human rights as ratified by Colombia.

**Article 94.**

The enunciation of the rights and guarantees contained in the Constitution and in the international agreements that are in force must not be interpreted as denying others which, being inherent in the human person, are not expressly mentioned in those documents.

**Chapter 5—Duties and Obligations**

**Article 95.**

Exercise of the freedoms and rights recognized in this Constitution entails responsibilities.

Every person is obliged to obey the Constitution and the laws.

The following are duties of the individual and the citizen:

1. To respect the rights of others and not to abuse one's own rights.
2. To behave in accordance with the principle of social solidarity, responding with humanitarian actions to situations which endanger people's lives or health.
3. To respect and support the legally constituted democratic authorities in order to preserve the nation's independence and integrity.
4. To defend and spread human rights as the basis of a peaceful life together.
5. To participate in the country's political, civic, and community life.
6. To work for the achievement and preservation of peace.
7. To contribute to the smooth operation of the administration of justice.
8. To protect the country's cultural and natural resources and see to the preservation of a healthy environment.
9. To contribute to the financing of the state's expenditures and investments according to the principles of justice and equity.

## Title III—Inhabitants and Territory

**Chapter 1—Nationality**

**Article 96.**

Individuals are Colombian nationals:

1. By birth:

a) Natives of Colombia under one of two conditions: either their father or their mother was a Colombian native or national or, if they are the children of foreigners, one of their parents was domiciled in the republic at the time of their birth.

b) Children of a Colombian father or mother who were born abroad and later become domiciled in the republic.

2. By adoption:

a) Foreigners who apply for and obtain a naturalization card in accordance with the law, which shall set forth the conditions in which Colombian nationality by adoption is forfeited.

b) Latin Americans and Caribbeans by birth who are domiciled in Colombia and who, pursuant to the law and the principle of reciprocity, ask to be registered as Colombians in the municipality in which they settle.

c) Members of the native peoples who share border territories as governed by the principle of reciprocity in accordance with state treaties.

No Colombian by birth may be deprived of his nationality. Colombian nationality is not lost by virtue of acquiring another nationality. Nationals by adoption shall not be compelled to renounce their original or adopted nationality.

Those who have renounced their Colombian nationality may regain it as provided by law.

**Article 97.**

Any Colombian who acts against the country's interests during a foreign war against Colombia shall be tried and punished as a traitor even though he has renounced his status as a national.

Colombians by adoption and foreigners domiciled in Colombia may not be compelled to take up arms against their original country, nor may Colombians nationalized in a foreign country be compelled to take up arms against that country.

**Chapter 2—Citizenship**

**Article 98.**

Citizenship is lost in fact when nationality is renounced, and its exercise may be suspended by virtue of a court decision in cases stipulated by law. A person whose citizenship has been suspended may petition to have it reinstated.

Sole Paragraph. As long as no other age is established by law, citizenship shall be exercised beginning at the age of 18 years.

**Article 99.**

Active citizenship status is a prior and indispensable condition for exercising the right to vote, being elected, and holding public offices involving authority or jurisdiction.

**Chapter 3—Foreigners**

**Article 100.**

Foreigners in Colombia shall enjoy the same civil rights as those granted to Colombians, provided however, that for reasons of public order, the law may subject foreigners to special conditions or deny them the exercise of certain civil rights.

Moreover, foreigners in the territory of the republic shall enjoy the same guarantees as those granted to nationals except for the restrictions stipulated by the Constitution or by law.

Political rights are restricted to nationals, but the law may grant to foreigners residing in Colombia the right to vote in any elections at the municipal or district level.

**Chapter 4—Territory**

**Article 101.**

The boundaries of Colombia are those established in international treaties approved by Congress and duly ratified by the president of the republic and those defined in arbitration awards to which the nation is a party.

The boundaries defined in the manner prescribed by this Constitution may be changed only by virtue of treaties approved by Congress and duly ratified by the president of the republic.

Forming a part of Colombia in addition to the mainland territory are the archipelago of San Andres, Providencia, and Santa Catalina, Malpelo, and the islands, islets, keys, headlands, and banks belonging thereto.

Also forming a part of Colombia are the subsoil, the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone, the airspace, and those segments of the geostationary orbit, the electromagnetic spectrum, and space in which it is active in accordance with international law or, in the absence of international rules, with Colombian law.

**Article 102.**

The territory, along with the public property forming a part of it, belongs to the nation.

## Title IV—Democratic Participation and Participation by the Political Parties

**Chapter 1—Forms of Democratic Participation**

**Article 103.**

Mechanisms for the people's participation in the exercise of their sovereignty are: elections, plebiscites, referendums, popular consultations, open meetings, legislative initiatives, and recall. The law shall regulate them.

The state shall contribute to the organization, promotion, and training of nongovernmental professional, civic, union, community, young people's, benevolcat, and public service associations without detriment to their autonomy, the intention being that they should constitute democratic mechanisms for representation in the various bodies that may be established for participation, dialogue, control, and supervision in connection with public administration.

**Article 104.**

The president of the republic, with the signatures of all the ministers and prior approval by the Senate of the Republic, may refer decisions of significant importance to a vote of the people. The people's decision shall be binding. This type of consultation may not take place concurrently with any other election.

**Article 105.**

Subject to compliance with the requirements and formalities set forth in the general statute on territorial organization and in the cases stipulated therein, governors and mayors may hold popular consultations to decide matters falling within the jurisdiction of their respective departments or municipalities.

**Article 106.**

Subject to compliance with the requirements established by law and in the cases stipulated therein, the inhabitants of the territorial entities may present proposals concerning matters falling with the jurisdiction of the public corporation concerned, which is obliged to process them.

**Chapter 2—Political Parties and Movements**

**Article 107.**

All nationals are guaranteed the right to establish, organize, and develop political parties and movements and the freedom to join or leave them.

Social organizations are also guaranteed the right to demonstrate and to participate in political events.

**Article 108.**

The National Electoral Council shall grant legal status to political parties and movements organized to participate in the country's political life when they prove their existence with no fewer than 50,000 signatures or if, in

the previous election, they obtained at least that many votes or achieved representation in Congress.

In no case may the law impose rules for the internal organization of political parties and movements or require membership in them as a condition for participating in elections.

Political parties and movements with legal status may register candidates without meeting any requirements whatever.

Social movements and significant groups of citizens may also register candidates.

The law may establish requirements to guarantee the seriousness of the said registrations.

**Article 109.**

The state shall help finance the operations and election campaigns of political parties and movements with legal status.

All other parties, movements, and significant groups of citizens which nominate candidates shall become eligible for this benefit provided that they obtain the percentage of votes stipulated by law for that purpose.

The law may limit the total amount which parties, movements, or candidates can spend on election campaigns and also the maximum amount of individual contributions. Parties, movements, and candidates must render a public accounting of the amount, source, and use of their revenues.

**Article 110.**

Individuals occupying positions in government are prohibited from making any contribution to parties, movements, or candidates and from inducing others to do so, except as provided by law. Failure to comply with any of these prohibitions shall be grounds for removal from office or loss of investiture.

**Article 111.**

Political parties and movements with legal status have the right to use the state-owned media at all times pursuant to the law. The law shall also regulate the circumstances and manner in which duly registered candidates will have access to the said media.

**Chapter 3—Status of the Opposition**

**Article 112.**

Political parties and movements which do not participate in the government may freely engage in criticism of the latter and develop political alternatives. For that purpose, and except as restricted by law, they are guaranteed the following rights: access to official information and documentation; use of the state-owned media in proportion to their representation in Congress as a result of the immediately preceding elections; rebuttal in the state-owned media of serious and obvious misrepresentations or public attacks by high government officials; and participation in election organizations.

Minority parties and movements shall be entitled to participate in the governing bodies of collegial entities in proportion to their representation in the latter.

A statutory law shall fully regulate this matter.

## Title V—Organization of the State

**Chapter 1—Structure of the State**

**Article 113.**

The branches of government are the legislative, executive, and judicial branches.

In addition to the organs constituting those branches, there are other autonomous and independent organs for carrying out the other functions of the state. The various organs of state have separate functions but cooperate harmoniously to achieve their purposes.

**Article 114.**

It is the responsibility of the Congress of the Republic to amend the Constitution, pass laws, and exercise political control over the government and the administration.

The Congress of the Republic shall consist of the Senate and the House of Representatives.

**Article 115.**

The president of the republic is chief of state, head of the government, and supreme administrative authority.

The national government consists of the president of the republic, the cabinet ministers, and the directors of administrative departments. In each particular action, the president and the appropriate minister or department director constitute the government.

No act of the president, with the exception of the appointment and dismissal of ministers and directors of administrative departments and the actions he takes in his capacity as chief of state and supreme administrative authority, shall have any legal force and effect until it is signed and officially communicated by the minister concerned or the director of the appropriate administrative department, who, by so doing, become responsible for it.

Governorships and mayoralties, as well as superintendencies, government establishments, and state-owned industrial or commercial enterprises, are part of the executive branch.

**Article 116.**

The Constitutional Court, the Supreme Court of Justice, the Council of State, the Higher Council of the Judiciary,

the Office of the Prosecutor General of the Nation, the courts, and the judges administer justice. Military penal courts do the same.

Congress shall perform specified judicial functions.

As an exception, the law may assign a judicial function in specific matters to certain administrative authorities. However, they shall not be permitted to conduct summary proceedings or to try cases.

Individuals may be vested with temporary authority to administer justice as conciliators or as arbitrators duly appointed by the parties involved to decide cases in law or equity under the conditions provided by law.

**Article 117.**

The Public Prosecutor's Office and the Office of the Comptroller General of the Republic are control organizations.

**Article 118.**

The duties of the Public Prosecutor's Office shall be exercised by the attorney general of the nation, the public defender, the deputy prosecutors, and the agents of the Public Prosecutor's Office before judicial authorities, by municipal representatives, and by other officials as determined by law. It is the duty of the Public Prosecutor's Office to guard and promote human rights, protect the public interest, and oversee the official conduct of those performing public duties.

**Article 119.**

The Office of the Comptroller General of the Republic is responsible for overseeing fiscal management and auditing the administration's results.

**Article 120.**

The election organization consists of the National Electoral Council, the National Civil Registry, and other organizations as provided by law. It is responsible for the organization, management, and supervision of elections and for the identification of individuals.

**Article 121.**

No state authority may perform functions other than those assigned to it by the Constitution and the law.

**Chapter 2—Civil Service**

**Article 122.**

There shall be no government position whose functions are not set forth in a law or regulation.

**Article 123.**

Members of public corporations and salaried and hourly employees of the state and of its agencies decentralized by territory or by service are public employees.

Public employees are in the service of the state and the community; they shall perform their duties in the manner provided by the Constitution, laws, and regulations.

The law shall determine the rules applicable to temporary government employees and shall regulate their employment.

**Article 124.**

The law shall determine the liability of public employees and the means of enforcing it.

**Article 125.**

Positions in state organizations and agencies are civil service positions. The exceptions to this are elected positions, those subject to discretionary appointment and dismissal, those of government laborers, and others as provided by law.

Government employees for whom a system of appointment is not stipulated in the Constitution or by law shall be recruited by competitive examination.

Entry into a civil service position and promotion therein shall be based on prior fulfillment of the requirements and conditions established by law as regards the merits and qualifications of candidates.

Dismissal shall be the result of: failure to perform one's duties satisfactorily, violation of the disciplinary rules, or other grounds as provided in the Constitution and by law.

In no case may the political affiliation of citizens constitute the basis for their appointment to a civil service position, their promotion, or their dismissal.

**Article 126.**

Public employees may not hire persons within the fourth degree of consanguinity, the second degree of affinity, or the first civil degree or with whom they are linked by marriage or permanent union. Nor may they hire persons related in the above-mentioned ways to public employees in a position to influence their appointment.

Exempted from the provisions of this article are appointments made in pursuance of the rules in effect concerning hiring or promotion based on merit.

**Article 127.**

Except as provided by law, public employees, whether acting personally, through another individual, or as representatives of another, may not enter into any contract whatever with public enterprises or private individuals handling or administering public funds.

**Article 128.**

No one may hold more than one public position simultaneously or receive more than one salary from the

public treasury or from firms or institutions in which the state owns a majority interest except in those cases expressly stipulated by law.

By "public treasury" is meant that of the national government, those of the territorial entities, and those of the decentralized agencies.

**Article 129.**

Public employees may not accept positions, honors, or compensation from foreign governments or international organizations or enter into contracts with them without prior authorization from the government.

**Article 130.**

There shall be a National Civil Service Commission responsible for administering and overseeing the careers of all public employees except those whose positions are of a special nature.

**Article 131.**

A law shall be issued regulating the public service provided by notaries and registrars, establishing labor rules for their employees, and regulating matters related to payment of a special tax on the office of notary to be used for the administration of justice. The appointment of regular notaries shall be by competition. It is the government's responsibility to establish, eliminate, and merge notarial and registration districts and to determine the number of notary's offices and registrar's offices.

## Title VI—The Legislative Branch

### Chapter 1—Makeup and Functions

**Article 132.**

Senators and representatives shall be elected for a four-year period commencing on 20 July following the election.

**Article 133.**

The members of directly elected collegial bodies represent the people and must act on the basis of justice and the common good.

An elected official is responsible to society and to his voters for fulfilling the obligations inherent in his investiture.

**Article 134.**

Vacancies created by permanent incapacity on the part of members of Congress shall be filled by unelected candidates in the order in which they are listed on the corresponding slate.

**Article 135.**

Each house of Congress has the power to:

1. Elect its own officers.

2. Elect its secretary general for a two-year period commencing on 20 July. The secretary general shall possess the same qualifications as those required for being a member of the house in question.

3. Request the reports it needs from the government except as provided in Article 136, Subparagraph 2.

4. Schedule the holding of sessions at which priority will be given to oral questions put to ministers by members of Congress and to the ministers' answers. House rules shall regulate this matter.

5. Fill the positions created by law for the performance of its duties.

6. Demand of the government that the organs of public administration cooperate in order to improve its functioning.

7. Organize its internal police force.

8. Summon ministers and require their attendance at its sessions. A summons must be issued no fewer than five days in advance and must be presented in the form of a written questionnaire. If the ministers fail to appear and do not have an excuse acceptable to the house in question, the said house may propose a motion of censure. The ministers must be heard in the session to which they were summoned, without prejudice to a continuation of the debate at subsequent sessions if so decided by the house in question. The debate may not extend to matters not covered by the questionnaire, and it must be the first item on the agenda for that session.

9. Propose a motion of censure against the ministers for matters related to duties specific to their office. If there are grounds for a motion of censure, it must be moved by at least one-tenth of the members constituting the house in question. The vote shall be taken between the third and the 10th day following conclusion of the debate at a plenary session of Congress and with the ministers concerned in attendance. Its approval shall require an absolute majority of the members of each house. If the motion is approved, the minister shall be removed from his post. If it is rejected, another motion of censure on the same subject cannot be proposed unless there are new reasons to justify it.

**Article 136.**

Congress and each of its houses are prohibited from:

1. Interfering, through resolutions or laws, in matters within the exclusive province of other authorities.

2. Demanding that the government provide information on instructions in diplomatic matters or on negotiations of a secret nature.

3. Giving votes of appreciation to official acts.

4. Voting to give individuals or organizations donations, rewards, subsidies, indemnification, pensions, or other forms of expenditure not intended to satisfy credits or claims recognized in accordance with preexisting law.

5. Decreeing the proscription or prosecution of natural or artificial persons.

6. Authorizing trips abroad to be paid for with public funds, except for the purpose of carrying out specific missions approved by at least three-fourths of the members of the house in question.

**Article 137.**

Any standing committee may summon any natural or artificial person to a special session to make oral or written depositions, which it may require to be made under oath, concerning facts directly related to investigations being conducted by that committee.

If those summoned refuse to appear and the committee insists on summoning them, the Constitutional Court shall hear them and then resolve the matter in strict confidence within 10 days.

Recalcitrance on the part of those summoned to appear or to make the required depositions shall be punished by the committee with the penalty provided under the rules in force for contempt of authority.

If in the course of an investigation, the intervention of other authorities is required for completing the investigation or pursuing possible lawbreakers, letters requisitory shall be issued to the appropriate authority.

**Chapter 2—Meetings and Operation**

**Article 138.**

Congress, acting in its own right, shall meet in regular session twice a year, with each two such periods constituting one legislature. The first period of sessions shall commence on 20 July and end on 16 December; the second shall commence on 16 March and end on 20 June.

If for any reason it cannot meet on the dates indicated, it shall do so as soon as possible within the periods indicated.

Congress shall also meet in special session as summoned by the government and for the period specified by the latter.

During the course of a special session, Congress shall concern itself solely with the matters submitted to it by the government, without prejudice to its regular function of political oversight, which it may exercise at any time.

**Article 139.**

Sessions of Congress shall be opened and closed jointly and publicly by the president of the republic, provided, however, that the opening ceremony is not essential in order for Congress to exercise its functions legally.

**Article 140.**

Congress shall have its seat in the capital of the republic.

The houses may agree between themselves to move their seat to another location, and in case of a disturbance of public order, they may meet at a location designated by the president of the Senate.

**Article 141.**

Congress shall meet as a single body solely for opening and closing its sessions, inaugurating the president of the republic, receiving chiefs of state or heads of government from other countries, electing the comptroller general of the republic, electing the vice president when it is necessary to replace the one elected by the people, and reaching a decision on a motion of censure as provided in Article 135.

In such cases, the president of the Senate and the speaker of the House shall be president and vice president respectively of Congress.

**Article 142.**

Each house shall elect standing committees to serve during the constitutional period in question. Those committees shall consider draft legislative acts or laws on the first reading.

The law shall determine the number of standing committees, the number of members they will have, and the matters with which each one is to concern itself.

When the Standing Constitutional Committees meet jointly, the quorum shall be the same as that required for each of those committees separately.

**Article 143.**

The Senate of the Republic and the House of Representatives may require any of the standing committees to meet during recess for the purpose of debating matters left pending during the preceding period, conducting studies as required by the house in question, and preparing legislative bills as assigned to them by the house in question.

**Article 144.**

Sessions of the houses and of their standing committees shall be public, subject to the restrictions imposed by their internal rules.

**Article 145.**

The full Congress, its houses, and their committees may not open sessions or deliberate with less than one-fourth of their members present. Decisions can be made only if

a majority of the members of the entity in question are present except in cases where the Constitution has established a different quorum.

**Article 146.**

In the full Congress, its houses, and their standing committees, decisions shall be made by a majority vote of those present except in cases where the Constitution expressly requires a special majority.

**Article 147.**

The officers of the legislative houses and of their standing committees shall be elected every year for the legislature commencing on 20 June, and no officer may be reelected during the same constitutional four-year period.

**Article 148.**

The rules regarding quorums and decisionmaking majorities shall also govern all other public corporations elected by popular vote.

**Article 149.**

Any meeting by members of Congress which, for the purpose of exercising functions proper to the legislative branch of government, is held without complying with constitutional requirements, shall be of no effect; the actions taken cannot be enforced in any manner, and those participating in the deliberations in question shall be punished as provided by law.

**Chapter 3—Laws**

**Article 150.**

It is the responsibility of Congress to pass laws. Through those laws, it exercises the following functions:

1. To interpret, revise, and repeal laws.

2. To issue legal codes in all branches of legislation and revise their provisions.

3. To approve the national plan for development and for public investments that are to be undertaken or continued and to determine the funds and appropriations authorized for their implementation as well as the measures necessary for promoting their completion.

4. To determine the general subdivision of the territory in accordance with the provisions of this Constitution, establish the bases and foundations for creating, eliminating, altering, or merging territorial entities, and determine their areas of responsibility.

5. To confer special powers on the departmental assemblies.

6. To change, in extraordinary circumstances and for serious reasons of public expediency, the current residence of high national authorities.

7. To determine the structure of the national administration and to create, eliminate, or merge ministries, administrative departments, superintendencies, government establishments, and other entities of a national character, including the power to determine their objectives and organic structure; to regulate the establishment and operation of regional autonomous corporations under a system of autonomy; and to establish or authorize the establishment of state-owned industrial and commercial enterprises and mixed-economy companies.

8. To draw up the rules which must be followed by the government in exercising the functions of supervision and oversight assigned to it by the Constitution.

9. To give the government authorization to conclude contracts, negotiate loans, and sell or otherwise dispose of national property. The government shall submit periodic reports to Congress concerning its exercise of those authorizations.

10. To vest the president of the republic with specific extraordinary powers, for a period of up to six months, to issue regulations with force of law when necessity requires it or expediency recommends it. Such powers shall be expressly requested by the government, and their approval shall require approval by an absolute majority of the members of both houses.

At any time and on its own initiative, Congress may amend decree-laws issued by the government in the latter's exercise of special powers.

These powers may not be granted for the purpose of drawing up codes, statutory or organic laws, exercising the powers contemplated in Subparagraph 20 of this article, or enacting taxes.

11. To establish national revenues and determine the administration's expenditures.

12. To enact taxes and, on an exceptional basis, special levies in the cases and under the conditions provided by law.

13. To establish the legal currency, its convertibility, and the limits to its use as legal tender and to organize the system of weights and measures.

14. To approve or reject contracts or agreements which, for reasons of obvious national necessity, the president of the republic has concluded with individuals, companies, or public entities without prior authorization.

15. To award honors to citizens who have rendered service to the fatherland.

16. To approve or reject treaties which the government signs with other states or entities constituted under international law. By means of said treaties, the state may, on grounds of equity, reciprocity, and national expediency, partially transfer specific powers to international organizations whose object is to promote or consolidate economic integration with other states.

17. To grant, by a majority of two-thirds of the members in both houses and for serious reasons of public expediency, amnesties or general pardons for political offenses. If the beneficiaries of such action are thus freed of civil liability with respect to individuals, the state shall be liable for any indemnification that is due.

18. To issue rules for the appropriation or adjudication and recovery of public land.

19. To issue general rules and stipulate within them the objectives and standards which must be observed by the government for the following purposes:

a) Organizing public credit.

b) Regulating foreign trade and establishing foreign exchange regulations in conformity with the duties assigned by the Constitution to the governing board of the Bank of the Republic.

c) Amending customs duties, tariffs, and other provisions concerning customs regulations for reasons of trade policy.

d) Regulating financial, stock market, insurance, and any other activity related to the handling, use, and investment of funds provided by the public.

e) Establishing a system of wages and social benefits for government employees.

f) Regulating education.

20. To establish administrative and technical departments for the houses of Congress.

21. To issue laws governing economic intervention as provided in Article 334. The said laws shall specify their purpose and scope and the restrictions on economic freedom.

22. To issue laws concerning the Bank of the Republic and the duties to be performed by its governing board.

23. To issue laws which shall govern the performance of public duties and the provision of public services.

24. To regulate the system of industrial property, patents and marks, and other forms of intellectual property.

25. To unify the regulations governing traffic police throughout the territory of the republic.

**Article 151.**

Congress shall issue organic laws which shall govern the exercise of legislative activity. Those laws shall establish the rules of Congress and of each of the houses, the norms for the preparation, approval, and execution of the budget and the general development plan, and norms relative to the granting of policy-setting powers to the territorial entities. Approval of an organic law shall require an absolute majority of votes in both houses.

**Article 152.**

By means of statutory laws, the Congress of the Republic shall regulate the following matters:

a) The fundamental rights and duties of individuals and the procedures and means of recourse available for their protection.

b) The administration of justice.

c) The organization and regulation of political parties and movements, the status of the opposition, and electoral functions.

d) Institutions and mechanisms for citizen participation.

e) States of exception.

**Article 153.**

The passage, amendment, or repeal of a statutory law shall require approval by an absolute majority of the members of Congress and shall take place within a single legislature. The procedure in question shall include a prior review by the Constitutional Court to ensure that the bill is enforceable. Any citizen may intervene to defend or challenge its enforceability.

**Article 154.**

Laws may originate in either house at the initiative of their respective members, the national government, the entities listed in Article 156, or by popular initiative in those cases provided by the Constitution, provided, however, that only the government may initiate passage or amendment of the laws referred to in Article 150, Subparagraphs 3, 7, 9, 11, and 22 and Article 150, Subparagraph 19(a), 19(b), and 19(e); those authorizing a sharing of national revenues or transfers of the same; those authorizing state contributions to or state backing of industrial or commercial firms; and those granting exemption from national taxes, levies, or fees.

The houses may introduce amendments to bills submitted by the government.

Bills relative to taxes shall be introduced first in the House of Representatives, and those relating to international relations shall be introduced first in the Senate.

**Article 155.**

Legislative bills and proposed constitutional amendments may be introduced by any group of citizens whose number is equal to or greater than 5 percent of the voter registration list as of the date in question or by 30 percent of the country's municipal councilors or deputies. A popular initiative shall be considered by Congress in accordance with the provisions of Article 163 regarding bills whose consideration on an urgent basis has been requested.

The citizens proposing the bill shall have the right to designate a spokesman, who shall be heard by the houses at all stages of the process.

**Article 156.**

The Constitutional Court, the Higher Council of the Judiciary, the Supreme Court of Justice, the Council of State, the National Electoral Council, the attorney general of the nation, and the comptroller general of the republic are empowered to present legislative bills concerning matters related to their duties.

**Article 157.**

No bill shall become law unless the following requirements are met:

1. It must have been published officially by Congress before being considered by the committee concerned.

2. It must have been approved on first reading by the appropriate standing committee in each house. The rules of Congress shall determine those cases in which the first reading will require a joint session by the standing committees of both houses.

3. It must have been approved on second reading in each house.

4. It must have been sanctioned by the government.

**Article 158.**

Every bill must be concerned with only one subject, and provisions or amendments not related to that subject shall be inadmissible. The chairman of the committee concerned shall reject initiatives which do not conform to this principle, but his decisions may be appealed before the same committee. A law that is partially amended shall be published as a single text incorporating the approved amendments.

**Article 159.**

A legislative bill which has been rejected on first reading may be considered by the house concerned at the request of its author, a member of that house, the government, or, in the case of a popular initiative, the spokesman for its proponents.

**Article 160**

A period of at least eight days must elapse between the first and second readings, and there must be a period of at least 15 days between the approval of a bill in one house and the start of debate on that bill in the other house.

During the second reading, each house may introduce such amendments and additions to and deletions from the bill as it considers necessary.

In the report to the full house for the second reading, the chairman of the reporting committee must record all the proposals considered by the committee and the reasons why they were rejected.

Every draft law or legislative act must be the subject of a chairman's report in the committee responsible for handling it and must be dealt with in the appropriate manner.

**Article 161.**

When disagreements regarding a bill arise in the houses, the two houses shall appoint temporary committees which shall meet together and draw up the text that will be submitted to a final vote at a plenary session of each house. If the differences persist after a repetition of the second reading, the bill shall be considered rejected.

**Article 162.**

Bills which have not been completely dealt with in one legislature but which have received their first reading in either house shall be carried over to the following legislature with no alterations. No bill may be considered by more than two legislatures.

**Article 163.**

The president of the republic may request that any bill be treated as an urgent matter. In such a case, the house in question must reach a decision on the bill within 30 days. Within that period, the request for urgent treatment may be repeated at every stage of the bill's progress through the constitutional process. If the president insists on urgent treatment, the bill shall have priority on the agenda, with consideration of all other matters being excluded until the house or committee in question has reached a decision on the bill.

If the bill referred to in the message regarding urgency is under study by a standing committee, the latter shall, at the request of the government, deliberate together with the corresponding standing committee in the other house to give it its first reading.

**Article 164.**

Congress shall assign priority to the handling of bills approving treaties on human rights that may be submitted for its consideration by the government.

**Article 165.**

Once a bill is approved by both houses, it shall be sent to the government for its sanction. If the government does not object to the bill, it shall order it promulgated as law; if it does object, it shall return the bill to the house in which it originated.

**Article 166.**

The government has six days in which to return, with its objections, any bill consisting of not more than 20

articles; or 10 days if the bill contains from 21 to 50 articles; and up to 20 days if there are more than 50 articles.

If, after the above-mentioned periods have passed, the government has not returned the bill with its objections, the president must sanction and promulgate it. If the houses go into recess within the above-mentioned periods, the president shall have the duty to publish the bill, either sanctioned or vetoed, within those periods of time.

**Article 167.**

A bill to which the government objects completely or partially shall return to the houses for second reading.

The president shall sanction, with no possibility of presenting objections, a bill which, upon being reconsidered, is approved by 50 percent plus one of the members of both houses.

An exception to this is the case where a bill is rejected on the grounds that it is unconstitutional. In such a case, if the houses insist, the bill shall go to the Constitutional Court, which must rule on its enforceability within the following six days. A favorable judgment by the court compels the president to sanction the law. If it declares the law unenforceable, the law shall be killed.

If the court finds that the bill is partly unenforceable, it shall report that finding to the house in which the bill originated so that, the appropriate minister having been heard, the house can rewrite and add the provisions in question to bring them into line with the court's opinion. That process having been completed, it shall resubmit the bill to the court for a final decision.

**Article 168.**

If the president does not perform his duty to sanction laws under the terms and conditions provided by the Constitution, they shall be sanctioned and promulgated by the president of the Congress.

**Article 169.**

The title given to laws must correspond precisely to their content, and the text must be preceded by this wording:

"The Congress of Colombia,

DECREES"

**Article 170.**

A number of citizens equaling one-tenth of the voter registration list may petition the electoral organization to hold a referendum on the repeal of a law.

The law shall be repealed if 50 percent plus one of the voters casting a vote in the referendum so decide, provided that one-fourth of the citizens appearing on the voter registration list cast a vote.

Laws approving international treaties, the budget, and bills concerned with fiscal or tax matters are not subject to referendum.

**Chapter 4—The Senate**

**Article 171.**

The Senate of the Republic shall consist of 100 members elected nationwide.

Two additional senators representing a special nationwide election district shall be elected by native communities.

Colombian citizens temporarily abroad or residing abroad may vote in elections for the Senate of the Republic.

**Article 172.**

A candidate for election as senator must be a Colombian by birth and a citizen in full possession of his rights and must be over 30 years of age on the date of the election.

**Article 173.**

The powers of the Senate are:

1. To accept or reject resignations by the president of the republic or the vice president.

2. To approve or reject military promotions from general officer and flag officer in the security forces to the highest rank as granted by the government.

3. To grant the president of the republic a temporary leave of absence from his post in cases not involving illness and to rule on the vice president's self-disqualification as acting president of the republic.

4. To permit foreign troops to pass through the territory of the republic.

5. To authorize the government to declare war on another nation.

6. To elect the judges of the Constitutional Court.

7. To elect the attorney general of the nation.

**Article 174.**

It is the responsibility of the Senate to hear charges brought by the House of Representatives against the president of the republic or his replacement or against the judges of the Supreme Court of Justice, the Council of State, and the Constitutional Court, the members of the Higher Council of the Judiciary, and the prosecutor general of the nation, even if they have left office. In the latter situation, it shall try the accused on the basis of acts or omissions occurring while they were in office.

**Article 175.**

In trials conducted before the Senate, these rules shall be observed:

1. The accused is de facto suspended from his post whenever the decision to hear the charge is publicly announced.

2. If the charge has reference to offenses committed by the official in the exercise of his duties or to the offense of misconduct, the Senate may not impose any penalty except removal from office or the temporary deprivation or absolute loss of political rights; but the defendant shall be prosecuted under criminal law before the Supreme Court of Justice if the facts of the case render him liable for offenses warranting other penalties.

3. If the charge has reference to common-law crimes, the Senate shall limit itself to declaring whether or not there are grounds for pursuing the case, and if there are, it shall place the accused at the disposal of the Supreme Court.

4. The Senate may assign the indictment process to a committee of its own members, reserving for itself the right to try the case and pronounce the final judgment, which must be pronounced in a public session by a vote of at least two-thirds of the senators present.

**Chapter 5—The House of Representatives**

**Article 176.**

The House of Representatives shall be elected from territorial election districts and special election districts.

There shall be two representatives for each territorial election district plus one more for every 250,000 inhabitants or fraction over 125,000 in excess of the first 250,000.

For the purpose of electing members of the House of Representatives, each department and the Capital District of Bogota shall constitute one territorial election district.

The law may establish a special election district to ensure participation in the House of Representatives by ethnic groups and political minorities and by Colombians residing abroad. Up to five representatives may be elected from that election district.

**Article 177.**

A candidate for representative must be a citizen in full possession of his rights and over 25 years of age on the date of the election.

**Article 178.**

The House of Representatives shall have the following special responsibilities:

1. To elect the public defender.

2. To examine and pass the budgetary and treasury general accounts submitted to it by the comptroller general of the republic.

3. When justified on constitutional grounds, to bring charges before the Senate against the president of the republic or his replacement and against judges of the Constitutional Court, judges of the Supreme Court of Justice, members of the Higher Council of the Judiciary, the judges of the Council of State, and the prosecutor general of the nation.

4. To hear charges and complaints brought before it by the prosecutor general of the nation or by individuals in connection with the above-mentioned officials and, if proper grounds exist, to bring charges before the Senate based on those charges and complaints.

5. To request the help of other authorities in conducting the investigations for which it is responsible and to empower others to submit evidence when that is considered expedient.

**Chapter 6—Members of Congress**

**Article 179.**

The following may not be members of Congress:

1. Those who at any time have been sentenced by a court to imprisonment, except for political offenses or negligence.

2. Those who, as government employees, have exercised political, civil, administrative, or military jurisdiction or authority within the 12 months preceding the date of the election.

3. Those who have been active in conducting business before public bodies or in concluding contracts with such bodies on their own behalf or on behalf of third parties, or have been legal representatives of entities administering taxes or special levies, within the 12 months preceding the date of the election.

4. Those who lost their investiture as members of Congress.

5. Those who have ties of matrimony, permanent union, or relationship within the third degree of consanguinity, the first degree of affinity, or the first civil degree with officials exercising civil or political authority.

6. Those linked with each other through matrimony, permanent union, or relationship within the third degree of consanguinity, the second degree of affinity, or the first civil degree, and who are registered by the same party, movement, or group for election to an official post or as members of public corporations in elections being held on the same date.

7. Those who possess double nationality, with the exception of native-born Colombians.

8. No one may be elected to more than one corporation or public post or to one corporation and one post if the respective terms of office coincide even partly in time.

The disqualifications stipulated in Subparagraphs 2, 3, 5, and 6 have reference to situations occurring in the election district in which the election in question is being held. The law shall regulate all other cases of disqualification due to kinship with authorities not specified in these provisions.

For the purposes of this article, it is considered that the nationwide election district coincides with each of the territorial election districts except as regards the disqualification specified in Subparagraph 5.

**Article 180.**

A member of Congress may not:

1. Hold any public or private position or employment.

2. Represent himself or others in matters before public entities or before persons administering taxes, nor may he act as agent with the same or sign contracts with them personally or through third parties. The law shall determine the exceptions to this provision.

3. Be a member of the governing board or council of a decentralized entity at any level or of an institution which administers taxes.

4. Conclude contracts or engage in transactions with natural or artificial persons in private law who administer, handle, or invest public funds or act as contractors to the state or receive grants from the latter. Excepted is the acquisition of goods or services tha are offered to the citizens under equal conditions.

Paragraph 1. The rules on incompatibility do not apply to the holding of a university chair.

Paragraph 2. A official who, in violation of this article, appoints a member of Congress to a post or position of employment, concludes a contract with him, or agrees to let him act as an agent on his own behalf or that of third parties shall be liable for misconduct.

**Article 181.**

The rules on incompatibility as they apply to members of Congress shall be in effect during the constitutional period in question. If a member resigns, the rules shall remain in effect during the year following acceptance of his resignation if the time remaining until the end of his mandate exceeds one year.

The individual called in to occupy the vacant seat shall be subject to the same rules of disqualification and incompatibility as soon as he takes office.

**Article 182.**

Members of Congress must make known to the appropriate house any situations of a moral or economic character which will disqualify them from participating in the handling of matters submitted for their consideration. The law shall determine matters related to conflict of interest and challenges.

**Article 183.**

Members of Congress shall lose their investiture in the following cases:

1. For violation of the rules on disqualification and incompatibility or the rules on conflict of interest.

2. For failure, during a single period of sessions, to attend six plenary meetings at which a vote is taken on draft legislative acts, laws, or motions of censure.

3. For not taking their seat within eight days following the date on which the houses are sworn in or the date on which they are summoned to take office.

4. For improper use of public funds.

5. For duly proven influence peddling.

Sole paragraph. Reasons 2 and 3 above shall not apply in cases of force majeure.

**Article 184.**

Loss of investiture shall be decreed by the Council of State pursuant to the law and within a period of no more than 20 working days from the date on which the petition is filed by the officers of the house in question or by any citizen.

**Article 185.**

Members of Congress shall enjoy immunity as regards their opinions and votes during the exercise of their office, without prejudice to the disciplinary rules of their respective legislative house.

**Article 186.**

Crimes committed by members of Congress shall be dealt with exclusively by the Supreme Court of Justice, which is the sole authority empowered to order their arrest. In cases of flagrante delicto, they shall be apprehended and placed immediately at the disposal of that court.

**Article 187.**

The remuneration of members of Congress shall be adjusted every year in equal proportion to the weighted average of the changes occurring in the remuneration of employees of the central administration and in accordance with certification issued for that purpose by the comptroller general of the republic.

## Title VII—The Executive Branch

### Chapter 1—The President of the Republic

**Article 188.**

The president of the republic symbolizes national unity, and by swearing to uphold the Constitution and laws, he obligates himself to guarantee the rights and freedoms of all Colombians.

**Article 189.**

It is the responsibility of the president of the republic, as chief of state, head of the government, and supreme administrative authority, to:

1. Freely appoint and dismiss cabinet ministers and directors of administrative departments.

2. Be in charge of international relations, appoint diplomatic and consular agents, receive such agents, and conclude with other states and entities in international law contracts and agreements which he shall submit to Congress for its approval.

3. Be in charge of the security forces and have them at his disposal as supreme commander of the Armed Forces of the Republic.

4. Maintain public order throughout the territory and restore it where it has been disturbed.

5. Direct wartime operations when he considers it appropriate.

6. Ensure the external security of the republic by defending the independence and honor of the nation and the inviolability of the territory; declare war with the permission of the Senate or do so without such authorization in order to repel foreign aggression; and conclude and ratify peace treaties, all of which he shall immediately report to Congress.

7. Permit, with the prior approval of the Council of State, the transit of foreign troops through the territory of the republic.

8. Open and close the sessions of Congress in each legislature.

9. Sanction laws.

10. Promulgate laws, obey them, and see to it that they are strictly enforced.

11. Exercise regulatory power by issuing the decrees, resolutions, and orders necessary for the proper implementation of laws.

12. Submit a report to Congress at the beginning of each legislature concerning the administration's activities, the execution of economic and social development plans and programs, and bills which the government intends to promote during the new legislature.

13. Appoint the presidents, directors, or managers of national government establishments and individuals to fill national posts not filled by competitive examination or by other officials or corporations in accordance with the Constitution or the law.

In all cases, the government has the right to freely appoint and dismiss its agents.

14. Establish, merge, or eliminate, pursuant to law, personnel positions required by the central administration, specify their special duties, and determine the related remuneration and perquisites. The government may not create obligations chargeable to the Treasury when such obligations exceed the total amount allocated to the department in question by the original appropriations law.

15. Eliminate or merge national administrative entities or organizations pursuant to law.

16. Alter the structure of ministries, administrative departments, and other national administrative entities or organizations in accordance with the principles and general rules established by law.

17. Distribute responsibilities, depending on their nature, among ministries, administrative departments, and government establishments.

18. Grant permission to national government employees to accept, on a temporary basis, appointments or favors from foreign governments when those employees request such permission.

19. Confer ranks on members of the security forces and submit to the Senate for its approval those promotions referred to in Article 173.

20. See to the rigorous collection and administration of government revenues and funds and order their investment pursuant to law.

21. Exercise supervision and oversight with respect to education pursuant to law.

22. Exercise supervision and oversight with respect to the provision of public services.

23. Enter into contracts which are his responsibility in accordance with the Constitution and the law.

24. Exercise, pursuant to law, supervision, oversight and control with respect to individuals involved in financial, stock market, insurance, or any other activity related to the management, use, or investment of funds collected from the public and also with respect to cooperative bodies and commercial corporations.

25. Organize public credit; verify the national debt and arrange for its service; amend duties, tariffs, and all other provisions concerning customs regulations; regulate foreign trade; and intervene in financial, stock market,

insurance, and any other activities related to the management, use, or investment of funds originating in the savings of third parties, pursuant to law.

26. Exercise supervision and oversight with respect to public institutions [instituciones de utilidad comun] to ensure that their revenues are protected and properly used and that in all essentials, they are complying with the will of their founders.

27. Issue temporary letters patent to the authors of inventions or improvement inventions according to law.

28. Issue naturalization papers in accordance with the law.

**Article 190.**

The president of the republic shall be elected for a period of four years by 50 percent plus one of the votes cast by the citizens in a direct and secret manner on the date and in the manner provided by law. If no candidate receives the said majority, another election shall be held three weeks later, with only the two candidates who received the highest number of votes participating. The one obtaining the largest number of votes [in the second round] shall be declared president.

In case of death or permanent physical incapacity on the part of either of the two candidates with the most votes, that candidate's political party or movement may register a new candidate for the second round. If it fails to do so or if there is another reason for the vacancy, the candidate shall be replaced by the candidate receiving the third-largest number of votes, and so on successively in descending order.

If the vacancy occurs less than two weeks before the second round, the second round shall be postponed for two weeks.

**Article 191.**

The president of the republic must be a Colombian by birth, a citizen in full possession of his rights, and over 30 years of age.

**Article 192.**

The president of the republic shall take office in the presence of Congress, and he shall take the oath in these words: "I swear to God and promise the people that I will faithfully uphold the Constitution and laws of Colombia."

If for any reason the president of the republic cannot take office in the presence of Congress, he shall do so before the Supreme Court of Justice or, failing that, before two witnesses.

**Article 193.**

It is the province of the Senate to grant the president of the republic permission to leave office temporarily. On grounds of sickness, the president of the republic may cease exercising his office for the length of time necessary by advising the Senate or, if the Senate is in recess, the Supreme Court of Justice.

**Article 194.**

The president of the republic shall be deemed permanently incapacitated by reason of his death, his accepted resignation, removal from office by judicial decision, permanent physical incapacity, or abandonment of office, the two last-named causes being declared by the Senate.

Grounds for temporary incapacity shall be leave of absence or illness as provided in the preceding Article and suspension from office by decree of the Senate following public announcement of its agreement to hear charges against him as provided in Article 175, Subparagraph 1.

**Article 195.**

The individual in charge of the executive branch shall have the same preeminence and the same powers as the president whose place he is taking.

**Article 196.**

The president of the republic, or the individual taking his place, may not travel to foreign territory during the exercise of his office without giving prior notice to the Senate or, if the latter is in recess, to the Supreme Court of Justice.

Violation of this provision constitutes abandonment of his office.

The president of the republic, or the individual who has taken over the Presidency as his replacement, may not leave the country within one year following the date on which he ceases to perform his duties without prior permission from the Senate.

When the president of the republic travels to foreign territory in the exercise of his office, the minister next in line according to the order of legal precedence shall, under his own responsiblity, perform the constitutional duties delegated to him by the president, including both his own ministerial duties and those he performs in his capacity as head of the government. The minister-delegate shall belong to the same political party or movement as the president.

**Article 197.**

No citizen who has ever exercised the office of president in any capacity may be elected president of the republic. This prohibition does not apply to the vice president when the latter has exercised the office of president for less than three months, either continuously or discontinuously, during the four-year term.

Also ineligible for election as president of the republic is any citizen disqualified on any of the grounds listed in

Article 179, Subparagraphs 1, 4, and 7, as is any citizen who, during the year preceding the election, exercised any of the following offices:

Judge of the Supreme Court of Justice or the Constitutional Court; member of the Council of State, the National Electoral Council, or the Higher Council of the Judiciary; cabinet minister; prosecutor general of the nation; public defender; comptroller general of the republic; national civil registrar; director of an administrative department; governor of a department; or mayor of Santa Fe de Bogota.

**Article 198.**

The president of the republic or the individual taking his place shall be responsible for actions or omissions of his which violate the Constitution or the law.

**Article 199.**

The president of the republic, during the period for which he is elected, or the individual replacing him in the presidency, cannot be prosecuted or tried for crimes unless he is impeached by the House of Representatives and after the Senate declares that grounds exist for bringing him to trial.

**Chapter 2—The Government**

**Article 200.**

It is the responsibility of the government, in relation to Congress, to:

1. Contribute to the creation of laws by submitting legislative bills through its ministers, exercising its right to object to them, and fulfilling its duty to sanction them according to the Constitution.

2. Call Congress into special session.

3. Submit the national development and public investment plan as provided in Article 150.

4. Submit the budget to the House of Representatives.

5. Provide the legislative houses with the reports they request concerning matters not requiring secrecy.

6. Provide the legislative houses with effective support when they request it, including placing the security forces at their disposal if necessary.

**Article 201.**

It is the responsibility of the government, in relation to the judicial branch, to:

1. Provide judicial officials, pursuant to law, with the necessary help in enforcing their decisions.

2. Grant pardons for political crimes, pursuant to law, and report to Congress on the exercise of this power. Under no circumstances may these pardons extend to the liability the beneficiaries may have with respect to individuals.

**Chapter 3—The Vice President**

**Article 202.**

The vice president of the republic shall be elected by popular vote on the same day and on the same slate as the president of the republic.

Candidates in the second round of balloting, if there is one, must be on the same slate as that on which they ran in the first round.

The vice president shall serve for the same term as the president and shall replace him during periods of temporary or permanent incapacity, even if such incapacity should occur before he takes office.

During intermittent periods of temporary incapacity on the part of the president of the republic, it shall be sufficient for the vice president to be sworn in on the first occasion, after which he may exercise the duty in question as often as required. If the president of the republic becomes permanently incapacitated, the vice president shall replace him through the end of that term of office.

The president of the republic may entrust the vice president with special missions or assignments and appoint him to any position in the executive branch. The vice president may not assume the duties of minister-delegate.

**Article 203.**

If the vice president becomes incapacitated while exercising the office of the presidency, the presidency shall be assumed by a minister in the order provided by law.

The individual who replaces the president in pursuance of this article shall belong to the same party or movement as the president and shall exercise the office of the presidency until Congress, acting in its own right within 30 days following the date on which the presidential vacancy occurs, elects a vice president to take office as president of the republic.

**Article 204.**

The requirements for being elected vice president are the same as those for being elected president of the republic.

The vice president may not be elected president of the republic or vice president for the immediately succeeding term.

**Article 205.**

If the vice president becomes permanently incapacitated, Congress shall meet in its own right or upon being summoned by the president in order to elect the individual who will replace him [the vice president] during the remainder of the term. The following constitute

permanent incapacity on the part of the vice president: his death, his accepted resignation, and permanent physical incapacity recognized by Congress.

**Chapter 4—Ministers and Directors of Administrative Departments**

**Article 206.**

The number, designation, and order of precedence of ministries and administrative departments shall be determined by law.

**Article 207.**

The requirements for being a minister or director of an administrative department are the same as those for being a member of the House of Representatives.

**Article 208.**

The ministers and directors of administrative departments are heads of the administration in their respective entities. It is their responsibility, under the direction of the president of the republic, to formulate policies pertinent to their office, direct administrative activity, and enforce the law.

In relation to Congress, the ministers are spokesmen for the government, submit legislative bills to the houses, respond when summoned by the latter, and participate in the debates either directly or through their vice ministers.

The ministers and directors of administrative departments shall present to Congress, within the first 15 days of each legislature, a report on the state of affairs in their ministries or administrative departments and on the reforms they consider appropriate.

The houses may request the assistance of the ministers. The standing committees may also request the assistance of the vice ministers, the directors of administrative departments, the president of the Bank of the Republic, the presidents, directors, or managers of the national decentralized agencies, and other officials in the executive branch of the government.

**Chapter 5—Public Administration**

**Article 209.**

The public administration is in the service of the general interest and operates on the principles of equality, morality, efficiency, economy, swiftness, impartiality, and public disclosure through the decentralization, delegation, and devolution of duties.

The administrative authorities must coordinate their actions to ensure that the state's aims are satisfactorily achieved. At all its levels, the public administration shall have internal controls that shall be implemented as provided by law.

**Article 210.**

National entities decentralized by type of service may be established only by law or as authorized by that law on the basis of the principles which guide administrative activity.

Individuals may perform administrative duties under the conditions provided by law.

The law shall establish the legal status of decentralized entities and the liability of their presidents, directors, or managers.

**Article 211.**

The law shall indicate the duties which the president of the republic may delegate to ministers, directors of administrative departments, legal representatives of decentralized entities, superintendents, governors, mayors, and other state agencies specified by law. It shall also stipulate the conditions under which administrative authorities may delegate responsibility to their subordinates or other authorities.

Such delegation frees the delegating authority from all responsibility, and the responsibility in question shall be borne exclusively by the delegate, whose acts or decisions may always be revised or annulled by the delegating authority, which then reassumes the consequent responsibility.

The law shall provide remedies against the actions of delegates.

**Chapter 6—States of Exception**

**Article 212.**

The president of the republic, with the signatures of all the ministers, may declare a state of foreign war. As a result of such a declaration, the government shall have the powers strictly necessary for repelling the aggression, defending sovereignty, meeting the needs of warfare, and seeking the restoration of normal conditions.

A declaration of a state of foreign war shall be lawful only after the Senate has authorized a declaration of war unless, in the judgment of the president, it is necessary to repel aggression.

While a state of war is in effect, Congress shall meet with all its constitutional and legal powers, and the government shall provide it with periodic and substantiated reports on the decrees it has enacted and on the course of events. Legislative decrees enacted by the government have the effect of suspending laws incompatible with a state of war, remain in force during the period which they themselves specify, and cease to be in force as soon as it is declared that normal conditions have been restored. Congress may revise or repeal them at any time with a favorable vote by two-thirds of the members of both houses.

**Article 213.**

In case of a serious disturbance of public order which presents an imminent threat to institutional stability, the security of the state, or national coexistence and which cannot be averted by using the ordinary powers of the police authorities, the president of the republic, with the signatures of all the ministers, may declare a state of internal disturbance throughout the republic or in part of it for a period not to exceed 90 days. That period may be extended for two equal periods, the second of which requires prior approval by the Senate of the Republic.

As a result of such a declaration, the government shall have the powers strictly necessary for removing the causes of the disturbance and preventing its effects from spreading.

Legislative decrees enacted by the government may have the effect of suspending laws incompatible with the state of disturbance and shall cease to be in effect as soon as the restoration of public order has been declared. The government may extend their effectiveness for an additional 90 days.

Within three days following the declaration or extension of a state of disturbance, Congress shall meet in its own right and with all its constitutional and legal powers. The president shall immediately provide it with a substantiated report concerning the reasons for the declaration.

In no case may civilians be investigated or tried under the Code of Military Penal Justice.

**Article 214.**

The states of exception referred to the preceding articles shall be subject to the following provisions:

1. Legislative decrees shall bear the signatures of the president of the republic and all his ministers and may deal only with matters related directly and specifically to the situation causing the declaration of the state of exception.

2. Neither human rights nor basic freedoms may be suspended. In every case, the rules of international humanitarian law shall be respected. A statutory law shall regulate the government's powers during states of exception and shall establish judicial controls and guarantees for protecting rights in accordance with international treaties. The measures to be adopted must be proportional to the gravity of events.

3. The normal operations of the branches of government and the organs of state shall not be interrupted.

4. As soon as foreign war or the causes giving rise to a state of internal disturbance have ceased to exist, the government shall declare public order restored and lift the state of exception.

5. The president and the ministers shall be liable if they declare states of exception when a situation of war or internal disturbance does not exist, and they, as well as all other officials, shall also be liable for abuses they may commit in the exercise of the powers referred to in the preceding Articles.

6. The government shall submit to the Constitutional Court, on the day after they are issued, the legislative decrees it enacts in pursuance of the powers referred to in the preceding Articles in order that the court may issue a definitive ruling on their constitutionality. If the government does not fulfill its duty to submit them, the Constitutional Court shall immediately take judicial notice of them.

**Article 215.**

When events other than those provided for in Articles 212 and 213 arise to disturb or threaten to disturb the country's economic, social, and ecological order in a serious and imminent manner or constitute a serious public disaster, the president may, with the signatures of all the ministers, declare a state of emergency for periods of up to 30 days in each case, provided, however, that such periods combined may not exceed 90 days in a calendar year.

As a result of such a declaration, which must state the reasons on which it is based, the president, with the signatures of all the ministers, may enact decrees with force of law intended exclusively to avert the crisis and prevent its effects from spreading.

Those decrees must deal with matters related directly and specifically to the state of emergency and may, as a temporary measure, impose new taxes or revise existing taxes. In the two last-mentioned cases, the measures shall cease to be in effect when the following tax period ends unless Congress establishes them permanently during the following year.

In its decree declaring a state of emergency, the government shall indicate the period during which it is going to use the special powers granted by this Article, and it shall summon Congress, if Congress is not already in session, to meet 10 days after the conclusion of the said period.

Congress shall examine, for a period of up to 30 days which may be extended by agreement of the two houses, the substantiated report submitted to it by the government concerning the causes of the state of emergency and the measures adopted, and it shall expressly state its opinion of the suitability and timeliness of the same.

During the year following the declaration of the state of emergency, Congress may repeal, amend, or add to the decrees referred to in this Article with respect to those matters which are ordinarily the province of the government. Concerning those which are the province of its members, Congress may exercise its powers at any time.

If not summoned, Congress may meet in its own right under the conditions and for the purposes provided in this Article.

The president of the republic and the ministers shall be liable if they declare a state of emergency when none of the conditions referred to in the first paragraph above exist, and they shall also be liable for any abuse committed in the exercise of the powers granted to the government by the Constitution during the emergency.

The government may not impair the social rights of workers by means of the decrees referred to in this Article.

Sole Paragraph. The government shall submit to the Constitutional Court, on the day after they are issued, the legislative decrees it enacts in the exercise of the powers referred to in this Article in order that the court may determine their constitutionality. If the government does not fulfill its duty to submit them, the Constitutional Court shall immediately take judicial notice of them.

**Chapter 7—Security Forces**

**Article 216.**

The security forces shall consist exclusively of the military forces and the National Police.

All Colombians are obliged to take up arms when required by public necessity to defend national independence and the public institutions.

The law shall determine the conditions which at all times shall exempt individuals from military service and also the prerogatives attached to performance of the same.

**Article 217.**

For its defense, the nation shall have permanent military forces consisting of the Army, the Navy, and the Air Force.

The military forces have as their essential purpose the defense of sovereignty, independence, the integrity of the national territory, and constitutional order.

The law shall determine the system of recruitment for the military forces as well as promotions, rights and obligations of their members, and the special career, service, and disciplinary rules specific to them.

**Article 128.**

The law shall organize the police force.

The National Police are a permanent armed civilian force administered by the nation; their essential purpose is to preserve the conditions necessary for the exercise of public rights and freedoms and for ensuring that the inhabitants of Colombia live together in peace.

The law shall determine their career, service, and disciplinary rules.

**Article 219.**

The security forces are not a deliberative body; they may not meet except by order of legitimate authority, nor may they submit petitions except in connection with matters related to the service and morality of their particular entity and in accordance with the law.

Members of the security forces may not exercise the right of vote as long as they are on active service, nor may they participate in the activities or debates of political parties or movements.

**Article 220.**

Members of the security forces may not be deprived of their rank, honors, or pensions except in the cases and manner provided by law.

**Article 221.**

Crimes committed by members of the security forces on active duty and in connection with that duty shall be dealt with by courts-martial or military courts in accordance with the Military Penal Code.

**Article 222.**

The law shall establish rules for the professional, cultural, and social advancement of members of the security forces. At each stage of their training, they shall be taught the principles of democracy and of human rights.

**Article 223.**

Only the government may introduce and manufacture arms, ammunition, and explosives. No one may possess them or bear them without permission from the appropriate authority. Such permission shall not be granted for attendance at political meetings, elections, or meetings by public corporations or assemblies, regardless of whether such participation consists of active participation or passive attendance.

The members of national security organizations and other armed official bodies of a permanent nature that were created or authorized by law may bear weapons under the government's control in accordance with the principles and procedures established by the latter.

**Chapter 8—International Relations**

**Article 224.**

To have validity, treaties must be approved by Congress. Nevertheless, the president of the republic may provisionally implement treaties of an economic and commercial nature which are agreed upon within the framework of international organizations, when so provided therein. In that case, as soon as a treaty takes effect provisionally, it must be submitted to Congress for the latter's approval. If Congress does not approve it, implementation of the treaty shall be suspended.

**Article 225.**

The Advisory Committee on Foreign Relations, the makeup of which shall be determined by law, is an advisory body to the president of the republic.

**Article 226.**

The state shall promote the internationalization of political, economic, social, and ecological relations based on equity, reciprocity, and national expediency.

**Article 227.**

The state shall promote economic, social, and political integration with all other nations and especially with the countries of Latin America and the Caribbean by entering into treaties which, on the basis of equity, equality, and reciprocity, create supranational organizations, including one for forming a Latin American community of nations. The law may establish direct elections for setting up the Andean Parliament and the Latin American Parliament.

## Title VIII—The Judicial Branch

### Chapter 1—General Provisions

**Article 228.**

The administration of justice is a public function. Judicial decisions are independent. Proceedings shall be public and permanent, with the exceptions provided by law, and they shall be governed by substantive law. Procedural provisions shall be diligently observed, and failure to do so will be punished. The administration of justice shall be decentralized and autonomous.

**Article 229.**

Every person's right of access to the administration of justice is guaranteed. The law shall indicate those cases where such access is possible without legal representation.

**Article 230.**

In issuing their judicial rulings, judges are subject only to the rule of law.

Equity, jurisprudence, the general principles of law, and doctrine are auxiliary standards for judicial activity.

**Article 231.**

The judges on the Supreme Court of Justice and the Council of State shall be appointed by their respective institutions from lists submitted by the Higher Council of the Judiciary.

**Article 232.**

A judge on the Constitutional Court, the Supreme Court of Justice, or the Council of State must meet the following requirements. He must:

1. Be a Colombian by birth and a citizen in full possession of his rights.

2. Be an attorney.

3. Not have been sentenced by a court to imprisonment except for political crimes or negligence.

4. Have held office in the judicial branch or the Public Prosecutor's Office for 10 years or have performed creditably for the same period of time as an attorney or as a university professor in the field of law in officially recognized institutions.

Sole Paragraph. It shall not be necessary to be a career judge to belong to one of the above-mentioned bodies.

**Article 233.**

Judges on the Constitutional Court, the Supreme Court of Justice, and the Council of State shall be elected for a term of eight years, may not be reelected, and shall remain in office as long as they conduct themselves well, perform their duties satisfactorily, and have not reached compulsory retirement age.

### Chapter 2—Ordinary Jurisdiction

**Article 234.**

The Supreme Court of Justice is the highest court of ordinary jurisdiction and shall consist of an odd number of judges as determined by law. The law shall divide the court into chambers, assign to each chamber the matters it must deal with separately, and specify those to be dealt with by the plenary court.

**Article 235.**

The Supreme Court of Justice has the following powers:

1. To act as the court of cassation.

2. To try the president of the republic or the latter's replacement and the high officials listed in Article 174 for any punishable offense with which they are charged pursuant to Article 175, Subparagraphs 2 and 3.

3. To investigate and try members of Congress.

4. After a charge is brought by the prosecutor general of the nation, to try cabinet ministers, the attorney general, the public defender, agents of the Public Prosecutor's Office practicing before the court, the Council of State, and lower courts, directors of administrative departments, the comptroller general of the republic, ambassadors and heads of diplomatic or consular missions, governors, court judges, and generals and admirals of the security forces for punishable offenses with which they are charged.

5. To hear all contentious matters involving diplomatic agents accredited to the national government in those cases provided for in international law.

6. To adopt its own internal rules.

7. All other powers indicated by law.

Sole Paragraph. After the above-listed officials leave office, the court's jurisdiction shall continue to extend only to punishable conduct related to the office they held.

**Chapter 3—Contentious-Administrative Jurisdiction**

**Article 236.**

The Council of State shall have an odd number of judges as provided by law.

The council shall be divided into chambers and sections so as to separate its judicial functions from the other functions assigned to it by the Constitution.

The law shall determine the functions of each of the chambers and sections, the number of judges in each, and their internal organization.

**Article 237.**

The Council of State has the following powers:

1. To act as Supreme Contentious-Administrative Court pursuant to the rules established by law.

2. To hear actions for the annulment, on grounds of unconstitutionality, of decrees enacted by the national government in cases where the Constitutional Court does not have jurisdiction.

3. To act as the government's supreme advisory body on matters of administration. Its opinion must be heard in all those cases stipulated by the Constitution and by law.

In the case of foreign troop movements through national territory or the stationing or movement of foreign warships or warplanes in or through the waters, territory, or airspace of the nation, the government must consult the Council of State beforehand.

4. To draw up and present proposals for revising the Constitution and legislative bills.

5. To hear cases concerning the loss of investiture by members of Congress pursuant to the Constitution and the law.

6. To adopt its own internal rules and perform all other duties assigned to it by law.

**Article 238.**

Cognizance of a contentious-administrative matter may suspend temporarily, for the reasons and under the conditions provided by law, the effects of administrative acts open to challenge in the courts.

**Chapter 4—Constitutional Jurisdiction**

**Article 239.**

The Constitutional Court shall have an odd number of members as provided by law. In its makeup, attention shall be given to the need to appoint judges familiar with various branches of law.

The judges on the Constitutional Court shall be elected by the Senate of the Republic for individual eight-year terms, each from a list of three candidates submitted by the president of the republic, the Supreme Court of Justice, and the Council of State.

Judges on the Constitutional Court may not be reelected.

**Article 240.**

Individuals who served as cabinet ministers or judges on the Supreme Court of Justice or the Council of State during the year preceding the election may not be elected judges of the Constitutional Court.

**Article 241.**

The Constitutional Court is responsible for guarding the integrity and supremacy of the Constitution under the strict and specific terms of this Article. For that purpose, it shall perform the following duties:

1. Rule on complaints by citizens alleging the unconstitutionality of acts amending the Constitution, regardless of origin, and solely from the standpoint of procedural errors.

2. Rule in advance on the constitutionality of calling a referendum or constituent assembly to revise the Constitution, but solely from the standpoint of procedural errors.

3. Rule on the constitutionality of referendums on laws and of nationwide popular consultations and plebiscites, the latter solely from the standpoint of procedural errors.

4. Rule on complaints by citizens alleging the unconstitutionality of laws, from the standpoint both of their content and of procedural errors.

5. Rule on complaints by citizens alleging the unconstitutionality of decrees with force of law as enacted by the government in pursuance of Article 150, Subparagraph 10 and Article 341 of the Constitution, either from the standpoint of their content or from the standpoint of procedural mistakes.

6. Rule on the self-disqualifcations dealt with in Article 137 of the Constitution.

7. Issue a final ruling on the constitutionality of legislative decrees enacted by the government on the basis of Articles 212, 213, and 215 of the Constitution.

8. Issue a final ruling on the constitutionality of legislative bills to which the government has objected on the

grounds that they are unconstitutional, and on that of draft statutory laws, from the standpoint both of their material content and of procedural errors.

9. Review, as provided by law, court decisions related to actions for the protection of constitutional rights.

10. Issue a final ruling on the enforceability of international treaties and the laws ratifying them. For that purpose, the government shall submit them to the court within six days following sanction of the law. Any citizen may intervene to defend or challenge their constitutionality. If the court declares them constitutional, the government may proceed with the exchange of notes; if not, they shall not be ratified. When one or more rules in a multilateral treaty are declared unenforceable by the Constitutional Court, the president of the republic must express the corresponding reservation when declaring consent.

11. Adopt its own internal rules.

Sole Paragraph. When the court finds correctable procedural errors in the drafting of an act it is examining, it shall order the act returned to the originating authority so that the latter may, if possible, correct the defect observed. Once the defect is corrected, it shall proceed to rule on the enforceability of the act.

**Article 242.**

Cases brought before the Constitutional Court under the terms of this Title shall be regulated by law in accordance with the following provisions:

1. Any citizen may bring public action [accion publica] in the cases provided in the preceding Article and may also intervene as challenger or defender of laws being submitted for review in cases brought by others or in those for which no public action exists.

2. The attorney general of the nation shall be a party to all proceedings.

3. The right to bring action on the grounds of defects of form expires one year after publication of the act in question.

4. Ordinarily, the court shall have 60 days in which to rule, and the attorney general of the nation shall have 30 days in which to express an opinion.

5. In the cases referred to in Subparagraph 7 of the preceding Article, the ordinary deadlines shall be reduced to one-third, and failure to comply is grounds for charges of misconduct, which shall be punished pursuant to law.

**Article 243.**

A decision rendered by the court in the exercise of its judicial authority become a constitutional res judicata. No authority may reintroduce the material content of a juristic act declared unenforceable on the grounds of its content as long as the Charter contains the provisions upon which the comparison between the ordinary enactment and the Constitution was based.

**Article 244.**

The Constitutional Court shall notify the president of the republic or the president of Congress, as appropriate, of the initiation of any action having as its object an examination of the constitutionality of enactments issued by them. This notification shall not delay the examination process.

**Article 245.**

The government may not grant employment to judges of the Constitutional Court while they are in office or for one year after they leave office.

**Chapter 5—Special Jurisdictions**

**Article 246.**

The authorities among the native peoples may exercise judicial functions within their territorial areas in accordance with their own rules and procedures, which must not be contrary to the Constitution and laws of the republic. The law shall establish rules for coordinating this special jurisdiction with the national judicial system.

**Article 247.**

The law may establish justices of the peace to resolve individual and community conflicts in equity. It may also order that they be elected by popular vote.

**Article 248.**

Only final judgments become part of a person's criminal or misdemeanor record.

**Chapter 6—Office of the Prosecutor General of the Nation**

**Article 249.**

The Office of the Prosecutor General of the Nation shall consist of the prosecutor general, the deputy prosecutors, and all other officials as determined by law.

The prosecutor general shall be elected for a four-year period by the Supreme Court of Justice from a list of three candidates submitted by the president of the republic and may not be reelected. He must meet the same qualifications as those required of a judge of the Supreme Court of Justice.

The Office of the Prosecutor General of the Nation is part of the judicial branch and shall have administrative and budget autonomy.

**Article 250.**

It is the responsibility of the Office of the Prosecutor General of the Nation, acting either on its own initiative or in response to a complaint or formal charge, to

investigate offenses and charge alleged offenders before the appropriate court. Excepted from this provision are offenses committed by members of the security forces while on active duty on behalf of those forces. To carry out its duties, the Office of the Prosecutor General of the Nation shall:

1. Take the proper steps to ensure the appearance in court of alleged violators of penal law. In addition, and if required, it shall take the necessary steps to enforce the reestablishment of right and indemnification for any damage done by the offense.

2. Determine and declare that there are no grounds for proceeding with an investigation.

3. Direct and coordinate the criminal police duties which are the permanent responsibility of the National Police and any other organizations appointed by law.

4. Protect the victims, witnesses, and participants involved in a case.

5. Carry out all other duties provided by law.

The prosecutor general of the nation and his deputies have authority throughout the national territory.

The Office of the Prosecutor General of the Nation is obliged to investigate facts both favorable and unfavorable to the accused and to respect his basic rights and the procedural guarantees applying to him.

**Article 251.**

The special duties of the prosecutor general of the nation are:

1. To investigate and charge, if appropriate, high officials enjoying constitutional privilege, with the exceptions provided in the Constitution.

2. To appoint and dismiss, pursuant to law, those employed in his agency.

3. To participate in framing state policy on criminal matters and to submit legislative bills on that subject.

4. To grant temporary powers to government agencies capable of performing criminal police duties under the responsibility and functional control of the Office of the Prosecutor General of the Nation.

5. To provide the government with information concerning ongoing investigations when such information is necessary for the maintenance of public order.

**Article 252.**

Even during the states of exception provided for in Articles 212 and 213 of the Constitution, the government may not abolish or alter the basic organizations and processes concerned with indictment and trial.

**Article 253.**

The law shall regulate matters related to the structure and functioning of the Office of the Prosecutor General of the Nation, admission to and retirement from career posts, disqualifications and incompatibilities, job titles, qualifications, pay, social benefits, and disciplinary rules as these apply to officials and employees of that office.

**Chapter 7—Higher Council of the Judiciary**

**Article 254.**

The Higher Council of the Judiciary shall be divided into two chambers:

1. The Administrative Chamber, which shall consist of six judges elected for a term of eight years as follows: two by the Supreme Court of Justice, one by the Constitutional Court, and three by the Council of State.

2. The Disciplinary Jurisdiction Chamber, which shall consist of seven judges elected for a term of eight years by the National Congress from lists of three submitted by the government. There may be Sectional Councils of the Judiciary, the membership of which shall be determined by law.

**Article 255.**

A member of the Higher Council of the Judiciary must be Colombian by birth, a citizen in full possession of his rights, over 35 years of age, and the possessor of a law degree and must have practiced as a lawyer with a good reputation for 10 years. Members of the council may not be chosen from among the members of the nominating bodies.

**Article 256.**

It is the responsibility of the Higher Council of the Judiciary or its sectional councils, as appropriate and as provided by law, to carry out the following duties:

1. To oversee the judicial profession.

2. To draw up lists of candidates for appointment as judicial officials and submit those lists to the appointing body. Excepted from this provision is military penal jurisdiction, which shall be governed by special rules.

3. To examine the conduct and punish the misdeeds of officials in the judicial branch as well as of attorneys in the practice of their profession, as provided by law.

4. To oversee the efficiency of judicial bodies and offices.

5. To prepare the draft budget for the judicial branch for submission to the government and to execute the budget as approved by Congress.

6. To resolve jurisdictional disputes between the various jurisdictions.

7. To perform all other duties assigned to it by law.

**Article 257.**

Subject to the law, the Higher Council of the Judiciary shall perform the following functions:

1. Divide the territory for judicial purposes and determine the location and redistribution of judicial offices.

2. Establish, eliminate, merge, and transfer positions in the administration of justice. In exercising this right, the Higher Council of the Judiciary may not impose on the treasury obligations exceeding the overall amount allocated to the service in question by the initial appropriations law.

3. Establish regulations necessary for the effective functioning of the administration of justice and those concerned with the organization and internal operations of the various levels and with the regulation of those aspects of judicial and administrative proceedings in court chambers which are not otherwise provided for by law.

4. Submit legislative bills related to the administration of justice and to substantive and procedural codes.

5. All other duties assigned to it by law.

## Title IX—Elections and Electoral Organization

### Chapter 1—Suffrage and Elections

**Article 258.**

Voting is a citizen's right and duty. In all elections, the citizens shall vote secretly in individual cubicles set up at each polling station, using numbered ballots printed on safety paper. Those ballots shall be officially distributed. The electoral organization shall supply all voters with identical voting pamphlets in which all the candidates must be identified clearly and on equal terms. The law may establish voting mechanisms providing more and better guarantees for the free exercise of this right of citizenship.

**Article 259.**

Those electing governors and mayors thereby impose on the elected candidate the duty to carry out the program he presented upon registering as a candidate. The law shall regulate the exercise of the programmatic vote.

**Article 260.**

The citizens elect by direct suffrage the president and vice president of the republic, senators, representatives, governors, deputies, mayors, municipal councilors, and, when the occasion arises, the members of the Constituent Assembly and all other authorities or officials as provided in the Constitution.

**Article 261.**

No substitute shall be elected for any popularly elected post in a public corporation. Permanent vacancies shall be filled by unelected candidates from the same slate in the order in which they are listed, successively and descending order.

**Article 262.**

The election of the president and vice president may not coincide with any other election. Elections for Congress shall be held on a different date than elections for departmental and municipal authorities.

**Article 263.**

To ensure proportional representation of the parties, the system of electoral quotients shall be used when voting for two or more individuals in a popular election or in a public corporation. The quotient shall be the number obtained by dividing the total number of valid votes by the number of posts to be filled. The allocation of seats to each slate shall be based on the number of times the quotient goes into the respective number of votes. If seats remain to be filled, they shall be allocated to the largest remainders in descending order.

### Chapter 2—Electoral Authorities

**Article 264.**

The National Electoral Council shall consist of the number of members provided by law, but their number shall not be less than seven. They shall be elected for a period of four years from lists of three candidates submitted by legally established political parties and movements, and their number must reflect the political makeup of Congress. Members shall meet the requirements established by the Constitution for judges of the Supreme Court of Justice and may not be reelected.

**Article 265.**

Pursuant to law, the National Electoral Council shall have the following special duties:

1. To be responsible for supreme supervision and oversight of the electoral organization.

2. To elect and remove the national civil registrar.

3. To hear appeals brought against the decisions of its representatives regarding general vote counts and issue a final decision, declare the winner of the election in such cases, and issue the corresponding credentials.

4. To serve as an advisory body to the government on matters in its area of responsibility, present draft legislative acts and laws, and recommend draft decrees.

5. To ensure compliance with the rules governing political parties and movements and of the provisions regarding campaign advertising and public opinion polls, enforce the rights of the opposition and the minorities, and ensure that all guarantees are respected in the election process.

6. To distribute the subsidies provided by law for financing election campaigns and ensuring the citizens' right to political participation.

7. To count the votes in all national elections, declare the winners, and issue the appropriate credentials.

8. To recognize the legal status of political parties and movements.

9. To regulate the appearance of political parties and movements in the state-owned media.

10. To assist the parties and movements in holding internal elections for the nomination of candidates.

11. To adopt its own internal rules.

12. To perform all other duties assigned to it by law.

**Article 266.**

The national civil registrar shall be elected by the National Electoral Council for a period of five years and shall meet the same requirements as those established by the Constitution for judges of the Supreme Court of Justice.

He may not be reelected and shall perform the duties provided by law, including the oversight and organization of elections, responsibility for the civil registry and the identification of persons, and the conclusion of contracts on behalf of the national government in those cases specified by the latter.

## Title X—Control Agencies

### Chapter 1—Comptroller General of the Republic

**Article 267.**

Fiscal supervision is a public function performed by the Office of the Comptoller General of the Republic, which monitors fiscal management on the part of the administration and of individuals or entities managing the funds or assets of the nation.

The said supervision shall be exercised after the fact and in a selective manner in accordance with the procedures, systems, and principles established by law. In special cases, however, the law may allow the monitoring to be carried out by Colombian private firms chosen in public bidding on the basis of their merits and hired following consultation with the Council of State.

Monitoring of the state's fiscal management includes the auditing of its finances, management, and results in terms of efficiency, economy, and equity and the appraisal of environmental costs. In exceptional cases as provided by law, the Office of the Comptroller General may audit the accounts of any territorial entity.

The Office of the Comptroller General is a technical agency with administrative and budget autonomy. It shall have no administrative duties other than those inherent in its own organization.

**Article 268.**

The comptroller general of the republic shall have the following responsibilities:

1. To prescribe ways and means for the rendering of accounts by those responsible for handling the national government's funds or assets and to establish compulsory standards for evaluating finances, operations, and results.

2. To review and close the accounts which must be kept by those responsible for public funds and to determine the degree of efficiency, effectiveness, and economy with which they have done their job.

3. To maintain a record of the public debt of the national government and the territorial entities.

4. To require reports on their fiscal management from government employees at any level and from any public or private person or entity administering the national government's funds or assets.

5. To establish the liability arising from fiscal management, impose the monetary sanctions that apply, collect the sums in question, and exercise coercive jurisdiction over the amounts deducted from the same.

6. To express an opinion on the quality and efficiency of internal fiscal controls established by state agencies and organizations.

7. To submit to the Congress of the Republic an annual report on the state of natural resources and the environment.

8. To request, and substantiate its request with proof, that the authorities having jurisdiction conduct criminal or disciplinary investigations of those having harmed the state's property interests. Under its own responsibility, the Office of the Comptroller General may demand, once the facts are honestly ascertained, that the officials be immediately suspended pending completion of the investigations or the respective criminal or disciplinary proceedings.

9. To present legislative bills concerning fiscal control and the organization and functioning of the Office of the Comptroller General.

10. To fill, through the holding of competitive examinations, the positions in its department that have been created by law. That law shall establish a special system of administrative rules for the selection, promotion, and retirement of civil service officials in the Office of the Comptroller General. Those belonging to the entities which participate in the nomination and election of the comptroller are prohibited from making personal and political recommendations for the filling of positions in his department.

11. To present reports to Congress and the president of the republic concerning the performance of his duties and certification of the situation in state finances pursuant to law.

12. To issue general rules for harmonizing the systems of fiscal control in all national and territorial public entities.

13. To perform all other duties prescribed by law.

**Article 269.**

In public entities, the relevant authorities are required to design and implement methods and procedures for internal control in accordance with the nature of their duties and in keeping with the provisions of the law, which may establish exceptions and authorize the contracting out of such services to private Colombian firms.

**Article 270.**

The law shall organize forms and systems for citizen participation making it possible to monitor public management at the various administrative levels and its results.

**Article 271.**

The results of preliminary investigations conducted by the Office of the Comptroller General shall have probative value in proceedings by the Office of the Prosecutor General of the Nation and the court having jurisdiction.

**Article 272.**

The monitoring of fiscal management in the [territorial] departments, districts, and municipalities having their own comptroller's offices shall be the responsibility of the latter and shall be performed after the fact and in a selective manner.

Such monitoring in the municipalities shall be the responsibility of the departmental comptroller's offices, with such exceptions as the law may provide with respect to municipal comptroller's offices.

It is the responsibility of the district and municipal assemblies and councils to organize their respective comptroller's offices as technical entities enjoying administrative and budget autonomy.

It is also the responsibility of each one to elect its comptroller for the same term as that of the governor or mayor, as appropriate, from lists of three candidates which shall include two candidates nominated by the superior court of the judicial district and one nominated by the corresponding administrative court.

No comptroller may be reelected for the immediately succeeding term. Departmental, district, and municipal comptrollers shall exercise, within the limits of their particular jurisdiction, the functions assigned to the comptroller general of the republic by Article 268 and may, as authorized by law, hire private Colombian firms to perform the duties of fiscal oversight.

To be elected departmental, district, or municipal comptroller, a candidate must be a Colombian by birth, a citizen in full possession of his rights, and over 25 years of age. He must also possess a university degree and all the other qualifications required by law.

The following may not be elected: anyone who is or has been, within the previous year, a member of the assembly or council that is to make the election, or who has occupied a public office other than a teaching post at the departmental, district, or municipal level.

Anyone who has occupied the post of departmental, district, or municipal comptroller in his own right may not hold any other official employment in that same department, district, or municipality or be registered as a candidate for a popularly elected office until one year after his duties as comptroller have ceased.

**Article 273.**

At the request of any bidder, the comptroller general of the republic and all other authorities properly concerned with fiscal control shall arrange to conduct the proceedings for awarding a contract in the form of a public hearing.

Cases in which a public hearing is to be held, the way in which bids will be evaluated, and the conditions in which the public hearing will be held shall be determined by law.

**Article 274.**

Fiscal management on the part of the Office of the Comptroller General of the Republic shall be monitored by an auditor elected for two-year periods by the Council of State from a list of three candidates submitted by the Supreme Court of Justice.

The law shall determine the way in which such monitoring will take place at the departmental, district, and municipal levels.

**Chapter 2—Public Prosecutor's Office**

**Article 275.**

The attorney general of the republic is the supreme director of the Public Prosecutor's Office.

**Article 276.**

The attorney general of the nation shall be elected by the Senate for a four-year period from a list of three candidates nominated by the president of the republic, the Supreme Court of Justice, and the Council of State.

**Article 277.**

The attorney general of the nation, acting by himself or through his deputies and agents, shall have the following duties:

1. To oversee compliance with the Constitution, laws, court decisions, and administrative acts.

2. To protect human rights and ensure their effective enforcement with the help of the public defender.

3. To protect the interests of society.

4. To protect collective interests, especially as regards the environment.

5. To oversee the diligent and effective performance of administrative duties.

6. To exercise superior supervision of the official conduct of those performing public duties, including duties related to popular elections; to exercise mainly disciplinary power; and to carry out the related investigations and impose the appropriate sanctions pursuant to law.

7. To intervene in cases being heard by judicial or administrative authorities when necessary for the defense of legal order, public property, or basic rights and guarantees.

8. To submit an annual report on his activities to Congress.

9. To demand from public officials and individuals any information he considers necessary.

10. To perform all other duties prescribed by law.

In order to carry out its duties, the Office of the Attorney General shall possess criminal police powers and may institute any legal proceedings it considers necessary.

**Article 278.**

The attorney general of the nation shall perform the following duties directly:

1. To remove from his post, subject to a prior hearing and on the basis of a substantiated decision, any public official guilty of any of the following offenses: manifestly violating the Constitution or the law; deriving obvious and improper material benefit from his position or his duties; seriously hampering investigations being conducted by the Office of the Attorney General or an administrative or judicial authority; or showing manifest negligence in the investigation and punishment of disciplinary offenses on the part of his subordinates or in reporting punishable acts of which he has knowledge by virture of his position.

2. To issue opinions on disciplinary proceedings being conducted against officials with special privilege.

3. To present legislative bills concerning matters related to his area of responsibility.

4. To urge Congress to issue laws ensuring the promotion, exercise, and protection of human rights and to demand their enforcement by the appropriate authorities.

5. To issue an opinion on procedures for ensuring constitutionality.

6. To appoint and dismiss, pursuant to law, the officials and employees subordinate to him.

**Article 279.**

The law shall regulate matters related to the structure and functioning of the Office of the Attorney General of the Nation and regulate hiring, merit promotions, and retirement from the service, disqualifications and incompatibilities, job titles, qualifications, pay, and disciplinary rules as these apply to all officials and employees of that office.

**Article 280.**

The agents of the Public Prosecutor's Office shall have the same qualifications, classification, pay, rights, and social benefits as magistrates and judges of the highest level before which they perform their duties.

**Article 281.**

The public defender shall be part of the Public Prosecutor's Office and shall perform his duties under the direction of the attorney general of the nation. He shall be elected by the House of Representatives for a four-year term from a list of three candidates submitted by the president of the republic.

**Article 282.**

The public defender shall ensure the promotion and exercise of human rights and wider knowledge concerning them, for which purpose he shall:

1. Guide and instruct the inhabitants of the national territory and Colombians abroad with respect to the exercise and defense of their rights before the appropriate authorities or entities of a private nature.

2. Publicize human rights and recommend policies for teaching them.

3. Invoke the right of habeas corpus and bring suit for protection, without prejudice to the right possessed by those concerned.

4. Organize and direct the Public Defender's Office pursuant to law.

5. File class action suits [acciones populares] regarding matters related to his area of responsibility.

6. Present legislative bills on matters relative to his area of responsibility.

7. Submit reports to Congress concerning the performance of his duties.

8. Perform all other duties prescribed by law.

**Article 283.**

The law shall provide for the organization and functioning of the Public Defender's Office.

**Article 284.**

Except as provided in the Constitution and by law, the attorney general of the nation and the public defender may request any information they need for performing their duties from the authorities, and the latter may not refuse under any circumstances.

## Title XI—Territorial Organization

### Chapter 1—General Provisions

**Article 285.**

In addition to the general subdivision of the territory, there shall be other divisions provided by law for carrying out the duties and providing the services for which the state is responsible.

**Article 286.**

The territorial entities are departments, districts, municipalities, and native territories.

The law may assign the status of territorial entity to regions and provinces which may be established pursuant to the Constitution and the law.

**Article 287.**

The territorial entities enjoy autonomy in managing their interests within the limits set by the Constitution and the law. By virtue of that autonomy, they shall have the following rights:

1. To govern themselves with their own authorities.

2. To exercise the authority which belongs to them.

3. To administer funds and enact the taxes necessary for carrying out their duties.

4. To share in national revenues.

**Article 288.**

The Organic Law on Territorial Organization shall establish the distribution of authority between the nation and the territorial entities.

The authority assigned to the various territorial levels shall be exercised in accordance with the principles of coordination, joint action, and subsidiarity [assigning decisionmaking authority to the appropriate level] as provided by law.

**Article 289.**

By authority of law, departments and municipalities located in border areas may work directly and on an equal footing with bordering territorial entities in the neighboring country on cooperation and integration programs designed to promote community development, the provision of public services, and preservation of the environment.

**Article 290.**

With the requirements and formalities of the law having been satisfied, and in those cases prescribed by law, the borders of the territorial entities shall be reviewed periodically and the official map of the republic shall be published.

**Article 291.**

Members of public corporations in the territorial entities may not accept any position in public administration, and those who do so shall lose their investiture. Only comptrollers and official representatives may attend meetings by the governing boards and boards of directors operating in the respective territorial entities, and they may do so only when expressly invited for a specific purpose.

**Article 292.**

Deputies, municipal councilors, and their relatives within the degrees stipulated by law may not belong to the governing boards of decentralized entities belonging to the department, district, or municipality in question.

The following may not be employed by a territorial entity: the spouses or permanent companions of deputies or municipal councilors in the territorial entity in question or any of their relatives to the second degree of consanguinity, the first degree of affinity, or the single civil degree.

**Article 293.**

Without prejudice to the provisions of the Constitution, the law shall establish rules regarding qualifications, disqualifications, incompatibilities, date of taking office, period of sessions, permanent or temporary absences, causes for removal from office, and rules for filling vacancies left by citizens who are elected by popular vote to perform public duties in the territorial entities. The law shall also establish all other provisions necessary for their election and the performance of their duties.

**Article 294.**

The law may not grant exemptions or preferential treatment with respect to property taxes imposed by territorial entities. Nor may it impose surcharges on their taxes except as provided in Article 317.

**Article 295.**

The territorial entities may issue certificates of public indebtedness and bonds subject to conditions in the financial market, and they may also contract foreign loans, all in conformity with the law regulating the matter.

**Article 296.**

For the purpose of maintaining public order or restoring it where it has been disturbed, the enactments and orders of the president of the republic shall become effective immediately and take precedence over those issued by the governors; enactments and orders issued by the governors shall apply in the same manner and for the same purposes with respect to those issued by the mayors.

**Chapter 2—Departmental Administration**

**Article 297.**

The National Congress may decree the formation of new departments, subject to compliance with the requirements set forth in the Organic Law on Territorial Organization and provided that the procedures, studies, and popular vote required by this Constitution have been completed.

**Article 298.**

The departments are autonomous with respect to the administration of sectional matters and the planning and promotion of economic and social development within their respective territories as provided by the Constitution.

The departments are responsible for administrative functions and for functions concerned with coordination, the supplementation of municipal actions, mediation between the national government and the municipalities, and the providing of services prescribed by the Constitution and by law.

The law shall regulate matters concerned with the exercise of the powers conferred on them by the Constitution.

**Article 299.**

In each department, there shall be a popularly elected administrative corporation known as the Departmental Assembly and consisting of no fewer than 11 and no more than 31 members.

Within the boundaries of each department and on the basis of population, the National Electoral Council may establish election districts for the election of deputies, subject to prior consultation with the Commission on Territorial Organization.

The rules on disqualification and incompatibility as they apply to deputies shall be established by law. Those rules may not be less strict than the equivalent rules established for members of Congress. Deputies shall not have the status of civil servants. The term of office for deputies shall be three years.

Within the limits established by law, they shall be entitled to remuneration for attending the sessions of their assemblies.

To be elected deputy, a candidate must be a citizen in full possession of his rights and must be over 21 years of age. He must not have been sentenced to imprisonment except for political crimes or negligence and must have resided in the election district in question during the year immediately preceding the date of the election.

**Article 300.**

It is the responsibility of departmental assemblies to issue ordinances for the following purposes:

1. To regulate the exercise of duties and the providing of services for which the department is responsible.

2. To adopt measures related to planning, economic and social development, financial and credit support for the municipalities, tourism, transportation, environment, public works, communication routes, and the development of their border zones.

3. To adopt, pursuant to law, plans and programs for economic and social development and public works and to specify the financing and means considered necessary for stimulating their implementation and ensuring their completion.

4. To enact, pursuant to law, taxes and levies necessary for carrying out departmental functions.

5. To issue organic rules regarding the departmental budget and the annual budget of revenues and expenditures.

6. Subject to the requirements established by law, to create and abolish municipalities, separate and merge municipal territories, and organize provinces.

7. To determine the structure of the departmental administration, the duties of its agencies, and the pay scales applying to its various grades of employees; to create the department's government establishments and industrial or commercial enterprises; and to authorize the establishment of mixed-capital companies.

8. To issue police regulations in all matters not reserved for legislative action.

9. To authorize the governor to sign contracts, negotiate loans, sell or otherwise dispose of property, and temporarily exercise specific functions reserved for the departmental assemblies.

10. To regulate, in cooperation with the municipalities, sports, education, and health as provided by law.

11. To perform all other duties assigned to them by the Constitution and by law.

Development and public works plans and programs shall be coordinated and integrated with municipal, regional, and national plans and programs.

The ordinances referred to in Subparagraphs 3, 5, and 7 above, those ordering the investment, sharing, or transfer of departmental funds and assets, and those establishing services for which the department is responsible or transferring such services to it, may be issued and revised only at the governor's initiative.

**Article 301.**

The law shall stipulate those cases in which the assemblies may delegate to the municipal councils certain functions set forth in that law. The assemblies may reassume responsibility for the delegated functions at any time.

**Article 302.**

The law may grant one or more departments various faculties and powers in the field of administrative and tax management that are distinct from those conferred on them by the Constitution, due regard being paid to the need to improve the administration or provision of public services in terms of the said department's population, economic and natural resources, and social, cultural, and ecological circumstances.

In pursuance of the above, the law may delegate to one or more departments responsibilities belonging to public organizations or entities at the national level.

**Article 303.**

In each of the departments, there shall be a governor who shall be head of the sectional administration and the department's legal representative. The governor shall be the president of the republic's agent in maintaining public order and implementing the general economic policy and matters covered by agreements between the national government and the department. The governors shall be elected for three-year terms and may not be reelected for the next succeeding term.

The law shall establish the qualifications, requirements, disqualifications, and incompatibilities with respect to governors; regulate their election; establish rules regarding their permanent and temporary absences and their replacement in such cases; and make all other provisions necessary for ensuring the proper performance of their duties.

**Article 304.**

The president of the republic shall suspend or remove governors in the specific cases indicated by law.

The rules regarding their disqualification and incompatibilities shall not be less strict than those applying to the president of the republic.

**Article 305.**

The governor's duties are:

1. To comply and enforce compliance with the Constitution, the laws and decrees of the government and the ordinances of the departmental assembly.

2. To direct and coordinate the department's administrative activity and to act in its name as manager and promoter of the complete development of its territory in accordance with the Constitution and the law.

3. To direct and coordinate national services under the terms of the power delegated to him by the president of the republic.

4. To present to the Departmental Assembly, in a timely manner, draft ordinances concerning economic and social development plans and programs, public works, and the annual budget.

5. To freely appoint and dismiss the managers or directors of the department's government establishments and industrial or commercial enterprises. The department's representatives on the governing boards of such organizations and the directors or managers of the same are the governor's agents.

6. To promote, in accordance with the general plans and programs, those enterprises, industries, and activities which are beneficial to the department's cultural, social, and economic development and which are not the property of the national government or the municipalities.

7. To establish, eliminate, and merge jobs in activities under his authority, stipulate their special duties, and fix their remuneration in accordance with the law and the relevant ordinances. He may not create obligations for the treasury which exceed the overall amount established for that particular activity in the budget as initially approved.

8. To eliminate or merge departmental entities pursuant to the ordinances.

9. To object to draft ordinances on grounds of unconstitutionality, illegality, or inappropriateness or to sanction and promulgate them.

10. To review enactments by the municipal councils and the mayors and to submit them, on grounds of unconstitutionality or illegality, to the appropriate court for a decision as to their validity.

11. To oversee the accurate collection of departmental revenues from the decentralized agencies and those transferred from the national government.

12. To summon the Departmental Assembly for special sessions at which only the subjects and matters for which it is convened shall be discussed.

13. To choose, from lists of three candidates submitted by the respective national head, the managers or sectional managers of nationally owned government establishments in accordance with the law in effect in that department.

14. To perform the administrative duties delegated to him by the president of the republic.

15. To perform all other duties assigned to him by the Constitution, laws, and ordinances.

**Article 306.**

Two or more departments may combine to form administrative and planning regions with legal status, autonomy, and their own assets. The principal objective shall be the economic and social development of the territory in question.

**Article 307.**

The relevant organic law, subject to prior consultation with the Commission on Territorial Organization, shall set forth the conditions for applying to have a region converted into a territorial entity. The decision reached by Congress shall in every case be made the subject of a referendum in the departments concerned.

The same law shall establish the prerogatives, administrative organs, and resources of the regions and regulate their participation in the management of revenues from the National Royalty Fund. It shall also set forth the principles for adopting a special statute for each region.

**Article 308.**

The law may limit departmental appropriations for the remuneration of deputies and for the operating expenses of the departmental assemblies and comptroller's offices.

**Article 309.**

The intendencies of Arauca, Casanare, Putumayo, the Archipelago of San Andres, Providencia, and Santa Catalina, and the commissaryships of Amazonas, Guaviare, Guainia, Vaupes, and Vichada are raised to the status of departments. The assets and rights which formerly belonged to the intendencies and commissaryships on any grounds whatever shall become the property of the respective departments.

**Article 310.**

The Department of the Archipelago of San Andres, Providencia, and Santa Catalina shall be governed by the rules provided in the Constitution and the laws governing other departments and also by special rules to be adopted by the legislature in the fields of administration, immigration, taxes, foreign trade, foreign exchange, finance, and economic development.

By means of a law approved by a majority of the members of each house, it shall be possible to limit exercise of the rights of circulation and residence, establish controls on population density, regulate land use, and impose special conditions on the sale or other disposal of immovable property, the purpose being to protect the cultural identity of the original communities and preserve the environment and natural resources of the archipelago.

By establishing the necessary municipalities, the Departmental Assembly shall guarantee the institutional expression of the native communities of San Andres. The Municipality of Providencia shall receive no less than 20 percent of the total value of departmental revenues.

**Chapter 3—Municipal Administration**

**Article 311.**

As the basic entity in the politicoadministrative subdivision of the state, the municipality has the responsibility to provide the public services called for by law, build the public works required by local progress, organize the development of its territory, promote community participation and the social and cultural improvement of its inhabitants, and carry out the other functions assigned to it by the Constitution and by law.

**Article 312.**

In each municipality there shall be an administrative corporation elected by the people for a three-year term. It shall be called the Municipal Council and shall have no fewer than seven and no more than 21 members as provided by law on the basis of population.

The law shall determine the qualifications, disqualifications, and incompatibilities applying to municipal councilors and establish the periods of regular sessions for their councils. Municipal councilors shall not be considered civil servants.

The law may determine those cases in which they are entitled to compensation for attending council sessions.

Their acceptance of any public employment constitutes permanent incapacity.

**Article 313.**

Municipal councils have the following duties:

1. To regulate the functioning of the municipality and the efficient provision of those services for which it is responsible.

2. To adopt the corresponding plans and programs for economic and social development and public works.

3. To authorize the mayor to sign contracts and temporarily perform specific functions belonging to the council.

4. To enact taxes and local spending budgets in accordance with the Constitution and the law.

5. To issue organic budget rules and enact an annual budget.

6. To determine the structure of the municipal administration, the functions of its agencies, and pay scales for the various job classifications; to establish, at the mayor's initiative, local government establishments and industrial or commercial enterprises; and to authorize the formation of mixed-capital companies.

7. To regulate land use and, within the limits established by law, to oversee and control activities related to the construction and sale or other disposal of property intended for housing purposes.

8. To elect a municipal attorney for the period established by law and all other officials provided for by law.

9. To enact the necessary rules for controlling, preserving, and defending the municipality's ecological and cultural heritage.

10. To perform all other duties assigned to it by the Constitution and by law.

**Article 314.**

In each municipality, there shall be a mayor who, as head of the local administration and the municipality's legal representative, shall be elected by the people for a three-year term. He may not be reelected for the next succeeding term.

In cases specifically indicated by law, the president and the governors shall suspend or remove mayors.

The law shall determine the penalties to be applied for the improper use of this power.

**Article 315.**

The mayor's duties are the following:

1. To carry out and enforce compliance with the Constitution, the law, government decrees, ordinances, and council decisions.

2. To maintain public order in the municipality in accordance with the law and the instructions and orders he receives from the president of the republic and the governor of his department. The mayor is the highest policy authority in the municipality. The National Police shall promptly and diligently obey orders issued to them by the mayor through their respective commanders.

3. To direct the municipality's administrative activity, ensure performance of the functions and provision of the services for which it is responsible, represent it judicially and extrajudicially, and appoint and dismiss officials under his authority and the managers or directors of local government establishments and industrial and commercial enterprises in accordance with the relevant legal provisions.

4. To abolish or merge municipal entities and agencies in accordance with the relevant council decisions.

5. To present to the council in a timely manner draft resolutions concerning plans and programs for economic and social development, public works, the annual budget, and all other matters he considers appropriate for the smooth functioning of the municipality.

6. To sanction and promulgate decisions approved by the council and reject those he considers inappropriate or contrary to legal order.

7. To establish, eliminate, or merge job positions under his authority, assign special duties to them, and set their compensation levels in accordance with the relevant council decisions. He may not create obligations exceeding the total amount established for personnel expenditures in the budget as initially approved.

8. To cooperate with the council to ensure its smooth functioning, provide it with general reports on his administration, and call it into special sessions at which only those subjects and matters for which it was summoned may be discussed.

9. To order municipal expenditures in accordance with the investment plan and the budget.

10. To perform all other duties assigned to him by the Constitution and the law.

**Article 316.**

Only citizens residing in the municipality in question may participate in balloting for the election of local authorities and the resolution of local matters.

**Article 317.**

Only the municipalities may tax real property, provided, however, that other entities may impose a betterment levy.

The law shall allocate a percentage of those taxes to agencies responsible for managing and conserving the environment and renewable natural resources in accordance with the development plans of the municipalities within their jurisdiction. The said percentage may not exceed the average of the existing surtaxes.

**Article 318.**

For the purpose of improving services and ensuring citizen participation in the management of local public affairs, municipal councils may divide their municipalities into communities [comunas] in the case of urban areas and into zones [corregimentos] in the case of rural areas.

In each community and zone, there shall be a popularly elected local administrative board consisting of the number of members stipulated by law. It shall have the following duties:

1. To participate in the preparation of municipal plans and programs for economic and social development and public works.

2. To monitor and supervise the provision of municipal services in its community or zone and the investments made with public funds.

3. To present investment proposals to national, departmental, and municipal authorities in charge of preparing their respective investment plans.

4. To distribute the overall amounts allocated to them in the municipal budget.

5. To perform the duties assigned to them by the municipal council and other local authorities. Departmental assemblies may organize administrative boards for carrying out duties assigned to them [the boards] in the legal act creating them, the territory in which they are to operate being stipulated in that same act.

**Article 319.**

When two or more municipalities have economic, social, and physical relations imparting to them the features of a single metropolitan area, they may organize themselves into an administrative entity responsible for planning and coordinating the harmonious and integrated development of the territory placed under their authority; streamline the public services for which the constituent municipalities are responsible and, if appropriate, provide some of those services jointly; and carry out construction projects of interest to the metropolitan area as a whole.

The Territorial Organization Law shall provide a special administrative and tax system for metropolitan areas; ensure that their administrative organs include adequate participation by the municipal authorities concerned; and lay down rules for organizing and holding the elections which will decide whether to link the municipalities in question.

Following that election, the mayors and municipal councils concerned shall formally agree on the metropolitan area's makeup and define its powers, financing, and authorities pursuant to law.

Metropolitan areas may be organized as districts in accordance with the law.

**Article 320.**

The law may establish classes of municipalities based on population, tax resources, economic importance, and geographic location and formulate different rules for their organization, government, and administration.

**Article 321.**

Provinces consist of municipalities or surrounding native territories which are part of a single department.

The law shall provide a basic statute and establish an administrative system for provinces, which may be formed for the purpose of carrying out the duties delegated to them by national or departmental entities and those assigned to them by law or by the municipalities constituting them.

Provinces shall be created by ordinance on the initiative of the governor, the mayors of the municipalities concerned, or a number of citizens to be determined by law.

Admission to an already existing province shall require the holding of a referendum in the municipalities concerned.

The department and the municipalities shall transfer to the provinces a percentage of their current revenues as determined by the assembly and the municipal councils concerned.

**Chapter 4—Special Administration**

**Article 322.**

Santa Fe de Bogota, the capital of the republic and of Cundinamarca Department, is organized as the Capital District.

Its political, tax, and administrative system shall be that stipulated by the Constitution, special laws issued on that subject, and the provisions applying to municipalities.

Pursuant to the general rules established by law, the municipal council shall, at the mayor's initiative, divide the district's territory into localities based on the social characteristics of their inhabitants and shall allocate the corresponding administrative authority and functions.

It shall be the duty of the district authorities to guarantee the harmonious and integrated development of the city and the efficient management of services for which the district is responsible. Local authorities shall be responsible for managing the affairs proper to their territories.

**Article 323.**

The District Council shall consist of one councilor for every 150,000 inhabitants or fraction over 75,000 in its territory.

In each of the localities there shall be an administrative board elected by the people for a three-year term. It shall consist of no fewer than seven aldermen [ediles] as determined by the District Council on the basis of population.

Elections for mayor of Bogota, district councilors, and aldermen shall take place on the same day and shall be for a three-year term. Local mayors shall be appointed by

the mayor of Bogota from lists of three candidates submitted by the administrative boards concerned.

In cases specifically indicated by law, the president of the republic shall suspend or remove the mayor of Bogota.

District councilors and local aldermen may not be members of the governing boards of decentralized agencies.

**Article 324.**

The local administrative boards shall allot and appropriate the lump sums assigned to the localities by the district in its annual budget on the basis of the unmet basic needs of their inhabitants.

Concerning the departmental revenues originating in Santa Fe de Bogota, the law shall determine the share due the capital of the republic. That share may not be greater than that in effect on the effective date of this Constitution.

**Article 325.**

To guarantee the execution of plans and programs for complete development and the timely and efficient provision of services for which it is responsible under the conditions established by the Constitution and by law, the Capital District may form a metropolitan area with its neighboring municipalities and a region with other territorial entities having the character of a department.

**Article 326.**

The neighboring municipalities may become a part of the Capital District if the citizens residing in them so decide by means of a vote that shall take place after the District Council has expressed its approval of the merger in question. If the merger takes place, the constitutional and legal rules in effect for all other localities making up the Capital District shall apply in the former municipality.

**Article 327.**

Citizens registered to vote in the Capital District shall not take part in elections for governor and deputies in the Cundinamarca Departmental Assembly.

**Article 328.**

The Cartagena de Indias Tourist and Cultural District and the Santa Marta Tourist, Cultural, and Historical District shall retain their system of organization and their character.

**Article 329.**

The formation of native territorial entities shall conform to the provisions of the Organic Law on Territorial Organization, and their boundaries shall be fixed by the national government with the participation of representatives of the native communities and with the advice of the Commission on Territorial Organization.

Communal lands are communal property and cannot be sold or otherwise disposed of.

The law shall define relations and coordination between those entities and the entities of which they are a part.

Sole Paragraph. If a native territory includes the territories of two or more departments, its administration shall be the responsibility of the native councils in coordination with the governors of the respective departments. If the territory in question decides to form itself into a territorial entity, the process shall take place in accordance with the requirements set forth in the first paragraph of this Article.

**Article 330.**

Pursuant to the Constitution and the law, native territories shall be governed by councils constituted and regulated according the customs of their communities and having the following duties:

1. To ensure enforcement of the legal rules concerning land use and the settlement of their territories.

2. To design policies and plans and programs for economic and social development within their territories in keeping with the National Development Plan.

3. To promote public investment in their territories and ensure that it is properly carried out.

4. To collect and distribute their funds.

5. To ensure the preservation of natural resources.

6. To coordinate programs and projects promoted by the various communities in their territories.

7. To cooperate in maintaining public order within their territories in accordance with instructions and orders from the national government.

8. To represent the territories in dealings with the national government and other entities of which they are a part.

9. To perform all other duties assigned to them by the Constitution and the law.

Sole Paragraph. The exploitation of natural resources in the native territories shall take place without harming the cultural, social, and economic integrity of the native communities. In its decisions regarding the said exploitation, the government shall favor participation by representatives of the communities in question.

**Article 331.**

The Regional Autonomous Corporation of Rio Grande de la Magdalena is established and made responsible for the rehabilitation of navigation and port activity, the improvement and conservation of land, the generation and distribution of energy, and the use and preservation

of the environment, ichthyological resources, and all other renewable natural resources.

The law shall determine its organization and sources of financing and provide special treatment for riparian municipalities in the allocation of benefits and in determining their share of the national government's current revenues.

## Title XII—Economic Administration and Public Finance

### Chapter 1—General Provisions

**Article 332.**

The state is the owner of the subsoil and of nonrenewable natural resources, without prejudice to rights acquired and perfected in accordance with preexisting laws.

**Article 333.**

Economic activity and private enterprise are unrestricted within the limits of the common good. No one may demand prior permits or place requirements on their exercise except as authorized by law.

Free economic competition is a right involving responsibilities but enjoyed by all.

As the foundation of development, business has a social function which involves obligations. The state shall strengthen professional organizations and stimulate the growth of business.

The state, by authority of law, shall prevent the obstructing or restricting of economic freedom and shall prevent or monitor any abuse by individuals or firms of their dominant position in the national market.

The law shall limit the extent of economic freedom when required by the social interest, the environment, and the cultural heritage of the nation.

**Article 334.**

The general management of the economy shall be in the hands of the state. By authority of law, the latter shall intervene in the exploitation of natural resources, in land use, in the production, distribution, use, and consumption of goods, and in public and private services to modernize the economy for the purpose of improving the quality of life of the inhabitants, achieving an equitable distribution of the opportunities for and benefits of development, and ensuring the preservation of a healthy environment.

The state shall act in a special way to provide full employment for human resources and ensure that all individuals, and particularly those with low incomes, have actual access to basic goods and services. It shall also promote the productivity, competitiveness, and harmonious development of the regions.

**Article 335.**

Finance, the stock market, insurance, and all other activities concerned with the handling, use, and investment of the funds referred to in Article 150(19)(d) are of public interest and may be engaged in only with prior authorization from the state in accordance with the law, which shall regulate the manner in which the government shall intervene in those areas and promote the democratization of credit.

**Article 336.**

No monopoly may be established except as a revenue measure, for a purpose that is in the public or social interest, and pursuant to law.

The law establishing a monopoly may not take effect before full indemnification has been made to the individuals who, by virtue of that law, are to be deprived of their exercise of a lawful economic activity.

The organization, administration, control, and exploitation of revenue-producing monopolies shall be subject to special rules established by a government-proposed law.

Revenues obtained from exploitation of the monopoly on the lottery and games of chance shall be used exclusively to provide health services.

Revenues obtained from exploitation of the liquor monopoly shall be used primarily to provide health and education services.

Tax evasion in connection with revenues arising from revenue-producing monopolies shall be punished as a criminal offense as provided by law.

The government shall sell or liquidate state monopoly enterprises and turn the operation of them over to third parties when they do not meet the requirements for efficiency as provided by law.

In all cases, the acquired rights of the workers shall be respected.

**Article 337.**

The law may establish special economic and social rules for land and maritime border areas for the purpose of promoting their development.

**Article 338.**

In peacetime, only Congress, the departmental assemblies, and the district and municipal councils may impose taxes or special levies. The laws, ordinances, and decisions in question must specifically indicate the active and passive parties, the taxable events and tax basis involved, and the tax rates.

The laws, ordinances, and decisions in question may permit the authorities to set the rates of fees and charges collected from taxpayers to recover the cost of services provided or as a contribution to the cost of benefits

granted, but the system and the method of determining such costs and benefits and the manner of their distribution must be set forth in the law, ordinance, or decision in question.

Laws, ordinances, and decisions regulating contributions based on the result of events occurring during a specific period may not take effect until the start of the period next following the period in which the law, ordinance, or decision was promulgated.

**Chapter 2—Development Plans**

**Article 339.**

There shall be a National Development Plan consisting of a general section and an investment plan covering national public entities. The general section shall include a description of long-term national proposals and objectives, medium-term goals and priorities for state action, and the general strategies and guidelines that will be adopted by the government in connection with its economic, social, and environmental policy. The public investment plan shall contain the multiannual budgets for the principal programs and projects for national public investments and specify the financing resources required for carrying them out.

The territorial entities shall, in cooperation with each other and the national government, prepare and adopt development plans aimed at ensuring the efficient use of their resources and the proper performance of the duties assigned to them by the Constitution and by law. The plans adopted by the territorial entities shall consist of a strategic section and a plan for medium-and long-term investments.

**Article 340.**

There shall be a National Planning Council made up of representatives of the territorial entities and the economic, social, ecological, community, and cultural sectors. The council shall be advisory in nature and shall serve as a forum for discussing the National Development Plan.

The members of the national council shall be appointed by the president of the republic from lists submitted to him by the authorities and organizations of the entities and sectors referred to in the paragraph above. Those members must be or have been connected with the activities in question.

There shall also be planning councils in the territorial entities as provided by law.

The national council and the territorial planning councils constitute the National Planning System.

**Article 341.**

The government shall prepare the National Development Plan with the active participation of the planning authorities, the territorial entities, and the Higher Council of the Judiciary and shall submit the resulting plan to the National Planning Council for its opinion. The opinion of the council having been heard, the government shall make the amendments it considers appropriate and submit the plan to Congress no later than six months after the president begins his term of office.

Based on the report prepared by the joint committees on economic matters, each corporation shall discuss and evaluate the plan at a plenary session. Any disagreements with the content of the general section shall not prevent the government from implementing the policies proposed in areas of its own competence. Nevertheless, if the government decides to amend the general section of the plan, it must follow the procedure indicated in the following Article.

The National Investment Plan shall be enacted in the form of a law that shall have priority over all other laws; as a consequence, its provisions shall constitute adequate mechanisms for its implementation and shall replace the existing mechanisms with no need to issue subsequent laws. However, the appropriations and funds approved in the law enacting the plan may be increased or decreased in the annual budgets. If Congress does not approve the National Public Investment Plan within three months after it is submitted, the government may enforce it by means of a decree with force of law.

Congress may amend the Public Investment Plan provided that financial equilibrium is maintained. Any increase in the debt authorizations requested in the government bill or the inclusion of investment projects not contemplated in that bill shall require the national government's approval.

**Article 342.**

An organic law shall regulate everything connected with the procedures for preparing, approving, and implementing development plans and shall set forth the appropriate mechanisms for their harmonization and for conforming the official budgets to them. It shall also determine the organization and functions of the National Planning Council and the territorial councils as well as the procedures to be used to ensure effective citizen participation in discussion concerning development plans and the related amendments in keeping with the provisions of the Constitution.

**Article 343.**

The national planning body specified by law shall be responsible for designing and organizing, as stipulated in that law, systems for evaluating the management and performance of the public administration as regards investment policies and investment projects.

**Article 344.**

The departmental planning bodies shall evaluate management and performance with respect to the development and investment plans and programs of the departments and municipalities and shall participate in preparing the budgets for those departments and municipalities as provided by law.

In every case, the national planning body may perform the above-mentioned evaluation of any territorial entity in a selective manner.

**Chapter 3—Budget**

**Article 345.**

In peacetime, collecting any levy or tax not provided for in the revenue budget or making any expenditure from the Treasury that is not included in the expenditure budget is prohibited.

Nor is it permissible to make any public expenditure not decreed by Congress, the departmental assemblies, or the district or municipal councils or to transfer any credits to an item not provided for in the respective budget.

**Article 346.**

The government shall prepare the budget [Revenue Budget and Appropriations Law], which must comply with the provisions of the National Development Plan, annually and submit it to Congress during the first 10 days of each legislature.

The Appropriations Law may not include any item that does not have reference to a judicially recognized credit, an expenditure authorized by a previous law or one proposed by the government to properly guarantee the functioning of the branches of government or debt service, or one intended to fulfill the National Development Plan.

The committees on economic affairs of both houses shall deliberate jointly in order to give the budget its first reading.

**Article 347.**

The draft Appropriations Law shall include all the expenditures which the government intends to make during the fiscal year in question. If legally authorized revenues are not sufficient to cover planned expenditures, the government shall present the same committees that are examining the budget with a separate proposal to create new revenues or amend the existing ones in order to finance the planned expenditures.

The budget may be approved prior to completion of the legislative bill concerning additional revenues, which may be held over until the following legislative period.

**Article 348.**

If Congress does not enact the budget, the budget as submitted by the government within the period referred to in the preceding Article shall be in force; if the budget is not submitted within that period, the budget for the previous year shall be in force, but the government may reduce expenditures and, as a consequence, eliminate or rearrange jobs if that seems advisable in view of estimated revenues during the new fiscal period.

**Article 349.**

During the first three months of each legislature, and strictly in accordance with the rules contained in the Organic Law, Congress shall debate and enact the General Budget.

Estimates of revenues and of funds obtained from credit and from the Treasury balance may not be increased by Congress except with a prior favorable opinion signed by the minister concerned.

**Article 350.**

The Appropriations Law must include a component designated social public expenditure in which items of that kind, as defined in the organic law in question, are grouped. Except in the case of foreign war or for reasons of national security, social public expenditure shall have priority over all other appropriations.

In the territorial distribution of social public expenditure, the number of individuals having unsatisfied basic needs, the population, and fiscal and administrative efficiency shall be taken into account in a manner to be regulated by law.

The investment budget as a percentage of total expenditures in the corresponding Appropriations Law may not be reduced from one year to the next.

**Article 351.**

Congress may not increase any of the expenditure items proposed by the government, nor may it add a new item except with the written approval of the minister concerned.

Congress may eliminate or reduce any expenditure items proposed by the government except those required for servicing the national debt, meeting all other contractual obligations of the state, and providing fully for the administration's usual services and for the investments authorized in the plans and programs referred to in Article 341.

If the estimate of revenues rises or some of the expenditure items included in the same bill are eliminated or reduced, the sums thus made available, but no more than the total thereof, may be allocated to other authorized investments or expenditures as provided in the final paragraph of Article 349 of the Constitution.

**Article 352.**

Supplementing the provisions of this Constitution, the Organic Budget Law shall regulate matters concerned with planning, approving, amending, and executing the budgets of the national government, the territorial entities, and the decentralized agencies at any administrative level; it shall also regulate their coordination with the National Development Plan and the authority of state-owned organizations and entities to enter into contracts.

**Article 353.**

To the extent that they apply, the principles and provisions set forth under this title shall govern the preparation, approval, and execution by territorial entities of their budgets.

**Article 354.**

There shall be an accountant general—an official of the executive branch—who shall be responsible for the national government's general accounting and consolidate its accounts with those of its agencies decentralized by territory or service, regardless of their nature. Excluded from this provision are the accounts concerned with execution of the budget, jurisdiction over which is assigned to the Office of the Comptroller General.

The accountant general shall be responsible for standardizing, centralizing, and consolidating public accounting, preparing the general balance sheet, and determining the accounting rules which shall apply in this country according to law.

Sole Paragraph. Six months after the fiscal year has ended, the national government shall provide Congress with the balance sheet of government finance, as audited by the Office of the Comptroller General of the Republic, for its information and analysis.

**Article 355.**

None of the branches or organs of power may grant assistance or make donations to private-law natural or legal persons.

The government at the national, departmental, district, or municipal level may, using funds from its own budget, enter into contracts with private nonprofit organizations of recognized suitability for the purpose of promoting programs and activities of public interest which are in conformity with the national and sectional development plans. The government shall regulate this matter.

**Chapter 4—Allocation of Funds and Responsibilities**

**Article 356.**

Except as otherwise provided in the Constitution, the services for which the national government and the territorial entities are responsible shall be determined by law at the initiative of the government, which shall also determine the tax subsidy—that is, the percentage of the national government's current revenue—to be transferred to the departments, the Capital District, and the special districts of Cartagena and Santa Marta for the provision, either directly or through the municipalities, of the services assigned to them.

Tax subsidy funds shall be used to finance education at the preschool, primary, and secondary and middle levels and health at the levels stipulated by law, with special attention being paid to children.

The tax subsidy shall increase annually until it reaches a percentage of the national government's current revenue making it possible to adequately provide the services for which it is intended. For that purpose, it shall include the deduction from the sales tax and all other funds which the national government transfers directly for the purpose of covering expenditures at the above-mentioned levels of education.

The law shall set deadlines for transferring those revenues and the corresponding obligations, shall determine the conditions in which each department shall assume responsibility for the aforesaid services, and may authorize the municipalities to provide those services directly on either an individual or a pooled basis. Responsibilities may not be decentralized without the prior allocation of sufficient tax funds to pay the cost.

Fifteen percent of the tax subsidy shall be distributed equally among the departments, the Capital District, and the districts of Cartagena and Santa Marta. The rest shall be allocated in proportion to the number of current and potential users of the aforementioned services, also taking into account the weighted tax contribution from the territorial entity in question and its administrative efficiency.

Every five years, at the initiative of the members of Congress, those distribution percentages may be revised by law.

**Article 357.**

The municipalities shall share in the national government's current revenues. At the initiative of the government, the law shall determine the minimum percentage to be distributed to the municipalities and designate priority areas for social investment to be financed with those funds. For the purposes of this municipal revenue sharing, the law shall designate which native reservations are to be treated as municipalities.

The funds made available from this sharing shall be distributed by law in accordance with the following criteria: 60 percent in direct proportion to the number of inhabitants living in poverty or with unmet basic needs, and the remainder on the basis of total population, tax and administrative efficiency, and demonstrated progress in the quality of life. The law shall determine the practical application of the distribution criteria listed here and provide that a percentage of those revenues

shall be invested in the rural zones. Every five years, at the initiative of Congress, those distribution percentages may be revised by law.

Sole Paragraph. The portion of the national government's current revenues to be shared with the municipalities shall increase annually from 14 percent in 1993 to a minimum of 22 percent in 2002. The law shall determine the rate at which those transfers will gradually increase and shall specify the new responsibilities with respect to social investment that will be assumed by the municipalities, as well as the conditions for meeting those responsibilities. The municipal authorities must demonstrate to the agencies for performance evaluation and control that they are investing the funds efficiently and correctly, and if they are guilty of poor management, they shall be liable to the penalties provided by law.

New taxes shall be excluded from the above-mentioned revenue sharing when Congress so decides. In addition, for the first year that this revenue sharing is in effect, increases in existing taxes and taxes collected as economic emergency measures shall also be excluded.

**Article 358.**

For the purposes of the two preceding Articles, "current revenues" shall be understood to mean tax and nontax revenues with the exception of capital income.

**Article 359.**

There shall be no national revenues for a specific purpose.

The exceptions are:

1. Revenue sharing with the departments, districts, and municipalities as provided by the Constitution.

2. Revenues earmarked for social investment.

3. Revenues which, in pursuance of previous laws, the national government allocates to social welfare organizations and the former intendencies and commissaryships.

**Article 360.**

The law shall specify the conditions for the exploitation of nonrenewable natural resources and also define the rights which territorial entities have over those resources.

Exploitation of a nonrenewable natural resource shall entitle the state to receive compensation in the form of a royalty, without prejudice to any other rights or compensations agreed on.

The departments and municipalities in whose territories nonrenewable natural resources are exploited, as well as the ocean and river ports through which the said resources or their byproducts are transported, shall be entitled to share in the royalties and compensations.

**Article 361.**

Royalty revenues not allocated to the departments and municipalities shall be used to establish a National Royalty Fund, the monies from which shall be allocated to the territorial entities as provided by law. Those funds shall be used to promote mining, preserve the environment, and finance regional investment programs classified as priorities in the development plans of the various territorial entities.

**Article 362.**

The assets of the territorial entities and their revenues, whether received in the form of taxes or not and including those arising from the exploitation of monopoliies, are the exclusive property of those entities and enjoy the same guarantees as the property and income of individuals.

Departmental and municipal taxes enjoy constitutional protection, and as a consequence, the law may not transfer them to the national government except temporarily in case of foreign war.

**Article 363.**

The tax system is based on the principles of equity, efficiency, and progressivity.

Tax laws shall not have retroactive effect.

**Article 364.**

The domestic and foreign indebtedness of the national government and the territorial entities may not exceed their ability to pay. The law shall regulate this matter.

**Chapter 5—Social Purpose of the State and Public Services**

**Article 365.**

Public services are inherent in the social purpose of the state. It is the duty of the state to ensure that they are provided efficiently to all inhabitants of the national territory.

Public services shall be subject to the legal rules established by law and may be provided by the state, either directly or indirectly, by organized communities, or by individuals. In all cases, the state shall exercise regulation, control, and oversight of the said services. If, for reasons of sovereignty or social interest, the state decides, by means of a law approved by a majority of the members of both houses at the government's initiative, to reserve certain strategic activities or public services for itself, it shall indemnify, completely and in advance, those persons who, by virtue of the said law, are deprived of the right to exercise a lawful activity.

**Article 366.**

The general well-being and the improvement of the population's quality of life are social purposes of the

state. A basic objective of its activity shall be to meet the unmet demand for health, education, environmental sanitation, and drinking water.

For that purpose, the plans and budgets of the national government and the territorial entities shall give social public expenditure priority over all other appropriations.

**Article 367.**

The law shall fix authority and responsibility with regard to the providing of publicly provided home services, the related coverage, quality, and financing, and the system of fees, which shall take into account not only the cost of such services but also the principles of solidarity and income redistribution.

Publicly provided home services shall be provided directly by each municipality when the technical and economic characteristics of the service and general circumstances make it possible and advisable to do so, and the departments shall perform support and coordination functions.

The law shall designate entities authorized to set fees.

**Article 368.**

The national government, departments, districts, municipalities, and decentralized agencies may include subsidies in their respective budgets to enable low-income individuals to pay the fees for publicly provided home services that will meet their basic needs.

**Article 369.**

The law shall determine the duties and rights of users and establish rules for their protection and means of participating in the management and supervision of state enterprises providing service. It shall also regulate participation by the municipalities or their representatives in the entities and companies providing them with publicly provided home services.

**Article 370.**

It is the responsibility of the president of the republic, in accordance with the law, to establish general policies for administering and overseeing the efficiency of publicly provided home services and to exercise, through the Superintendency of Publicly Provided Home Services, control, supervision, and oversight of the entities providing those services.

**Chapter 6—Central Bank**

**Article 371.**

The Bank of the Republic shall perform the duties of a central bank. It shall be organized as a legal entity in public law having administrative, patrimonial, and technical autonomy and subject to its own legal regimen.

The basic duties of the Bank of the Republic shall be to: regulate the currency, foreign exchange, and credit; issue the legal currency; administer international reserves; be the lender of last resort and banker for the credit institutions; and serve as the government's fiscal agent. All those duties shall be performed in coordination with the general economic policy.

The bank shall report to Congress concerning the execution of the policies for which it is responsible and all other matters on which information is requested.

**Article 372.**

The governing board of the Bank of the Republic shall be the monetary, exchange, and credit authority pursuant to the duties assigned to it by law. It shall be responsible for directing and carrying out the bank's duties and shall consist of seven members, among them the minister of finance. The president of the bank shall be elected by the governing board and shall be a member of it. The five remaining members, who shall devote their time exclusively to the bank, shall be appointed by the president of the republic for renewable four-year periods, with two members being replaced every four years. The members of the governing board shall represent the interests of the national government exclusively.

Congress shall enact a law which must be obeyed by the Bank of the Republic in performing its duties and shall enact the rules which must be followed by the government in drawing up the bank's bylaws. Those bylaws shall regulate, among other things, the bank's form of organization, its legal regimen, the operations of its governing board and board of directors, the president's term of office, rules for the constitution of its reserves, including those for monetary and exchange stabilization, and the use of its surplus earnings.

The president of the republic shall exercise supervision, oversight, and control of the bank as provided by law.

**Article 373.**

The state, acting through the Bank of the Republic, shall ensure that the currency's purchasing power is maintained. The bank may not establish lines of credit or grant guarantees for private individuals except in connection with the intermediation of foreign credit for its placement through the credit institutions or with temporary liquidity supports for those institutions. Financing operations on behalf of the state shall require the unanimous approval of the governing board except in the case of open-market operations. Under no circumstances may the legislators order the opening of lines of credit for the state or for individuals.

## Title XIII—Amendment of the Constitution

**Article 374.**

The Political Constitution may be amended by Congress, by a constituent assembly, or by the people through a referendum.

**Article 375.**

Draft legislative acts may be submitted by the government, 10 members of Congress, 20 percent of the municipal councilors or deputies, or a number of citizens equal to at least 5 percent of the current voter registration list.

The said draft legislative act shall be debated in two consecutive regular periods. If approved in the first of those periods by the majority of those in attendance, the bill shall be published by the government. During the second period, approval shall require a vote by the majority of the members of each house.

During that second period, only initiatives presented during the first period may be debated.

**Article 376.**

By means of a law approved by a majority of the members of both houses, Congress may order a popular vote in which the people will decide whether to call a constituent assembly with the powers, term of office, and makeup stipulated in that law.

It will be considered that the people have called the constituent assembly if the proposal to do so is approved by at least one-third of those on the voter registration list.

The constituent assembly must be elected by a direct vote of the citizens in an election which may not coincide with any other election. Effective with the date of the election, the ordinary power of Congress to amend the Constitution shall be suspended during the term allotted to the assembly for doing its work. The assembly shall adopt its own rules.

**Article 377.**

Constitutional amendments approved by Congress must be submitted to a referendum if they affect the rights recognized in Title II, Chapter 1 and their guarantees, the procedures for people's participation, or Congress, if, during the six months following promulgation of the legislative act, 5 percent of the citizens constituting the voter registration list request it. The amendment shall be considered repealed by a negative vote of the majority of those voting, provided that at least one-fourth of those on the voter registration list cast a ballot.

**Article 378.**

At the initiative of the government or the citizens as provided in Article 155, Congress may, by a vote of the majority of the members of both houses, pass a law submitting to a referendum a proposed constitutional amendment which the same Congress shall incorporate into the law in question. The referendum shall be presented in such a way that the voters can freely indicate which subjects or which articles and sections they are approving and which they are rejecting.

The approval of constitutional amendments by referendum requires an affirmative vote by more than half of those casting ballots, and the total number casting ballots must exceed one-fourth of the total number of citizens on the voter registration list.

**Article 379.**

Legislative acts, the calling of a referendum, the popular consultation, and the convocation of the Constituent Assembly may be declared unconstitutional only if the requirements established under this Title are violated.

Action to challenge the above-mentioned acts shall be lawful only during the year following their promulgation and under the conditions referred to in Article 241, Subparagraph 2.

**Article 380.**

The Constitution in effect until now, with all its amendments, is repealed. This Constitution shall take effect on the day of its promulgation.

## Transitory Provisions

**Chapter 1**

**Transitory Article 1.**

General elections for the Congress of the Republic shall be held on 27 October 1991.

The Congress elected at that time shall serve until 19 July 1994.

The Civil Registry shall begin a period for the registration of identity cards.

**Transitory Article 2.**

Delegates to the Constituent Assembly are automatically barred from being candidates in those elections, as are current cabinet ministers.

Officials in the executive branch who did not resign their positions before 14 June 1991 are also barred.

**Transitory Article 3.**

Pending the swearing-in of the new Congress on 1 December 1991, the current Congress and its committees shall go into recess and may not exercise any of their powers either on their own initiative or at the summons of the president of the republic.

**Transitory Article 4.**

The Congress elected on 27 October 1991 shall meet in regular session as follows:

From 1 to 20 December 1991 and from 14 January to 26 June 1992. Beginning on 20 July 1992, its schedule of sessions shall be as provided in this Constitution.

**Transitory Article 5.**

The president of the republic is vested with specific extraordinary powers as follows:

a) To issue rules organizing the Office of the Prosecutor General and the rules of criminal procedure.

b) To regulate the right to writs of protection.

c) To adopt the administrative measures necessary for the functioning of the Constitutional Court and the Higher Council of the Judiciary.

d) To enact the General Budget of the Nation for 1992.

e) To issue transitory rules for relieving court congestion.

**Transitory Article 6.**

There is hereby created a Special Commission consisting of 36 members to be elected by the National Constituent Assembly using the electoral quota system. Half of the members may be delegates. The commission shall meet between 15 July and 4 October 1991 and between 18 November 1991 and the day on which the new Congress is sworn in. The election shall be held at a session called especially for that purpose on 4 July 1991.

That Special Commission shall have the following powers:

a) To reject in whole or in part, by a majority vote of its members, draft decrees prepared by the national government in pursuance of the extraordinary powers granted to the president of the republic by the preceding Article and in other provisions of this constituent act, except that presidential appointments may not be rejected.

Rejected articles may not be enacted by the government.

b) To prepare the legislative bills it considers appropriate for implementing the Constitution. The Special Commission may submit the said bills for debate and approval by the Congress of the Republic.

c) To regulate its own operations.

Sole Paragraph. If the Special Commission does not approve the budget for fiscal 1992 before 15 December 1991, the budget for the prior year shall continue in force, but the government may reduce expenditures and, as a consequence, eliminate or merge jobs if estimated revenues for the new fiscal year make that appear advisable.

**Transitory Article 7.**

The president of the republic shall appoint a government representative on the Special Commission, and that representative shall have a voice and the right of initiative.

**Transitory Article 8.**

Decrees issued in pursuance of the powers arising from the state of siege through the date on which this constituent act is promulgated shall remain in effect for a maximum period of 90 days, during which time the national government may issue a decree converting them into permanent legislation if the Special Commission does not reject them.

**Transitory Article 9.**

Extraordinary powers for which a specific time limit is not fixed shall expire 15 days after the Special Commission permanently discontinues its work.

**Transitory Article 10.**

Decrees issued by the government in pursuance of the powers granted in the preceding Articles shall have force of law, and a review of their constitutionality shall be the responsibility of the Constitutional Court.

**Transitory Article 11.**

The extraordinary powers referred to in Transitory Article 5 shall expire on the day that the Congress elected on 27 October 1991 is sworn in.

On that same date, the duties of the Special Commission created by Transitory Article 6 shall also expire.

**Transitory Article 12.**

To facilitate the reincorporation into civilian life of guerrilla groups that are firmly linked to a peace process under the government's leadership, the latter may establish, for one time only, special peace electoral districts for the elections for public corporations that will be held on 27 October 1991, or it may appoint directly, and for one time only, a plural number of members of Congress in each house to represent the aforementioned demobilized groups involved in the peace process.

The number in question shall be determined by the national government on the basis of its evaluation of the circumstances and of the progress made in the peace process. The names of the senators and representatives referred to in this Article shall be agreed upon between the government and the guerrilla groups, and their appointment shall be the responsibility of the president of the republic.

For the purposes of this Article, the government may ignore certain disqualifications and requirements necessary for being a member of Congress.

**Transitory Article 13.**

During the first three years that this Constitution is in effect, the government may enact the provisions necessary for facilitating the assimilation of demobilized guerrilla groups linked to a peace process under its leadership, improving economic and social conditions in the zones where they were present, and providing for

territorial organization, municipal organization and authority, public services, and the functioning and integration of municipal collegial bodies in those zones.

The national government shall provide the Congress of the Republic with periodic reports on the implementation of this Article and the progress being made.

**Transitory Article 14.**

During the legislature which will begin on 1 December 1991, the National Congress, the Senate of the Republic, and the House of Representatives shall adopt their own rules. If they do not do so, those rules shall be issued by the Council of State within the three following months.

**Transitory Article 15.**

The first election for vice president of the republic shall be held in 1994. Meanwhile, to replace the president of the republic in case of permanent or temporary incapacity, the previous "designate" system shall be retained. As a consequence, once the term of the designate elected in 1990 expires, Congress shall meet in plenary session to elect a new designate for the period from 1992 to 1994.

**Transitory Article 16.**

Except as provided by the Constitution, the first popular elections for governor shall be held on 27 October 1991.

The governors elected on that date shall take office on 2 January 1992.

**Transitory Article 17.**

The first popular elections of governors in the Departments of Amazonas, Guaviare, Guainia, Vaupes, and Vichada shall take place in 1997 at the latest.

The law may set an earlier date. In the meantime, the governors of the above-mentioned departments shall be appointed and may be dismissed by the president of the republic.

**Transitory Article 18.**

Until the law establishes rules governing the disqualification of gubernatorial candidates, it is provided that in the elections on 27 October 1991, the following may not be elected governor:

1. Those sentenced to prison by a court at any time, with the exception of those thus sentenced for political offenses or negligence.

2. Those who, as public employees, have exercised political, civil, administrative, or military jurisdiction or authority at the national level or in their departments within the six months preceding the election.

3. Those who are related by matrimony or kinship within the third degree of consanguinity, the second degree of affinity, or the first civil degree to anyone running as a candidate for the Congress of the Republic in those same elections.

4. Those who, during the six months preceding the election, have done business or entered into contracts with government entities, either on their own behalf or on behalf of third parties.

The prohibition listed in Subparagraph 2 of this Article does not apply to members of the National Constituent Assembly.

**Transitory Article 19.**

The mayors, municipal councilors, and deputies elected in 1992 shall remain in office until 31 December 1994.

**Chapter 2**

**Transitory Article 20.**

During the 18-month period following the effective date of this Constitution, and taking into account the evaluation and recommendations of a commission consisting of three experts on public administration or administrative law as appointed by the Council of State, three members appointed by the national government, and one representative of the Colombian Federation of Municipalities, the national government shall eliminate, merge, or restructure entities in the executive branch, government establishments, industrial and commercial enterprises, and national mixed-economy companies for the purpose of bringing them into line with the mandates of this constitutional reform and particularly with the redistribution of authority and resources which it calls for.

**Transitory Article 21.**

The legal rules deriving from the principles established in Article 125 of the Constitution shall be enacted by Congress during the year following the swearing-in of its members. If Congress does not enact them within that period, the president of the republic is empowered to enact them within a period of three months.

Counting from the date on which legal rules governing the civil service are issued, those responsible for appointing government employees shall have six months within which to implement those rules.

Failure to comply with the provisions of the preceding paragraph shall constitute misconduct.

Pending enactment of the rules referred to in this Article, those currently in effect shall remain in force to the extent that they do not contravene the Constitution.

**Chapter 3**

**Transitory Article 22.**

Until another number is established by law, the first Constitutional Court shall consist of seven judges appointed for a one-year term as follows:

Two by the president of the republic.

One by the Supreme Court of Justice.

One by the Council of State.

One by the attorney general of the nation.

The judges thus chosen shall appoint the two remaining judges from lists of three submitted by the president of the republic.

The judges to be chosen by the Supreme Court of Justice, the Council of State, the president of the republic, and the attorney general of the nation must be selected within five days following the effective date of this Constitution. Failure to do so shall constitute misconduct, and if any of the above-mentioned institutions or individuals fails to make a choice within the time period allowed, that choice shall be made by the remaining duly elected judges.

Paragraph 1. Members of the Constituent Assembly may not be appointed judges of the Constitutional Court on the basis of this exceptional procedure.

Paragraph 2. The disqualification established in Article 240 with regard to ministers and judges of the Supreme Court of Justice and the Council of State does not apply to the immediate makeup of the Constitutional Court as provided in this Article.

**Transitory Article 23.**

The president of the republic is vested with specific extraordinary powers enabling him, during the two months following promulgation of the Constitution, to establish by decree the procedural rules governing actions and proceedings brought before the Constitutional Court.

Congress may at any time repeal or amend the rules thus established.

Pending enactment of the decree provided for in the first paragraph, the operation of the Constitutional Court and the handling and disposition of matters before it shall be governed by the pertinent rules contained in Decree No. 432 of 1969.

**Transitory Article 24.**

Actions alleging unconstitutionality which were initiated before 1 June 1991 shall continue to be heard and must be resolved by the Supreme Court of Justice within the periods stipulated in Decree No. 432 of 1969.

Those initiated after the above-mentioned date must be remitted to the Constitutional Court in their present state.

Once all the cases being heard by the Supreme Court of Justice have been decided in accordance with the first paragraph of this Article, that court's Constitutional Chamber shall cease to function.

**Transitory Article 25.**

The president of the republic shall appoint for the first and only time the members of the Disciplinary Chamber of the Higher Council of the Judiciary.

The Administrative Chamber shall be constituted as provided in Article 254, Subparagraph 2 of the Constitution.

**Transitory Article 26.**

Cases currently before the Disciplinary Court shall continue to be heard by the judges of that corporation with no interruption whatever and shall be taken over by the Disciplinary Chamber of the Higher Council of the Judiciary as soon as that chamber is set up.

**Transitory Article 27.**

The Office of the Prosecutor General of the Nation shall begin functioning when the special decrees governing its organization and those establishing new criminal procedures, pursuant to the powers granted to the president of the republic by the National Constituent Assembly, are issued.

Nevertheless, it shall be possible to stipulate in the said decrees that the jurisdictions of the different judicial offices shall be assigned gradually as specific conditions make it possible to do so, in which case the final deadline shall be 30 June 1992 except as regards municipal penal judges, whose installation may be extended for a period not exceeding four years from the date on which this reform is issued, as provided by the Higher Council of the Judiciary and the prosecutor general of the nation.

The prosecuting attorney's offices currently attached to the superior courts, the circuit criminal and superior customs courts, and the public order courts shall be transferred to the Office of the Prosecutor General of the Nation. All other prosecuting attorney's offices shall be added to the organic structure and payroll of the Attorney General's Office. The attorney general shall determine the titles, duties, and geographical assignment of those government employees and may appoint individuals who were already occupying the positions in question, allowing them to keep their pay and benefit package.

The Office of the Attorney General Delegate for Criminal Matters shall continue to be part of the Office of the Attorney General of the Nation.

Also to be transferred to the Office of the Prosecutor General of the Nation are the national directorate and sectional directorates of criminal investigation, the technical staff of the Criminal Investigation Police, and the criminal examining courts in the ordinary, public order, and customs criminal court systems.

The National Directorate of Legal Medicine of the Ministry of Justice, with its sectional branches, shall be incorporated into the Office of the Prosecutor General as a government establishment attached to the same.

The branches becoming a part of the Office of the Prosecutor General shall transfer all their human and material resources to it as provided by the law organizing that office.

**Transitory Article 28.**

Pending enactment of the law assigning the judicial authorities jurisdiction over punishable offenses currently carrying the penalty of arrest by police authorities, the latter shall continue to try such cases.

**Transitory Article 29.**

In applying the rules prohibiting the reelection of judges of the Constitutional Court, the Supreme Court of Justice, and the Council of State, only those elections held after the promulgation of this reform shall be taken into account.

**Transitory Article 30.**

The national government is authorized to grant pardons or amnesties, for political and related crimes committed before the promulgation of this constituent act, to members of guerrilla groups which rejoin civilian life pursuant to the policy of reconciliation. The national government shall issue the appropriate regulations for that purpose. This benefit may not be applied to felonies or homicides committed outside of combat or against defenseless victims.

**Chapter 4.**

**Transitory Article 31.**

One month after the Congress elected on 27 October 1991 is sworn in, the Council of State shall elect the members of the National Electoral Council in proportions reflecting the representation achieved by the political parties and movements in the Congress of the Republic.

The said council shall remain in office until 1 September 1994.

**Transitory Article 32.**

Until the National Electoral Council is set up as provided by the Constitution, that body's current makeup shall be increased by the addition of four members appointed by the Council of State from lists of three candidates submitted by the parties and movements not represented on the National Electoral Council. The new members shall be chosen in proportion to the results of the elections held on 9 December 1990, with two being assigned to the majority slate and one to each of the unrepresented slates following the majority slate in number of votes. These appointments must be made before 15 July 1991.

**Transitory Article 33.**

The term of office of the current national civil registrar shall end on 30 September 1994.

The term of office of the national civil registrar referred to in this Constitution shall begin on 1 October 1994.

**Transitory Article 34.**

During a period of no more than eight working days after the promulgation of this Constitution, the president of the republic shall appoint a citizen who shall serve for three years and whose duty it shall be to prevent, on his own initiative or at the request of others, the use of funds originating in the Treasury or abroad in election campaigns taking place during his term of office, the exception being the financing of election campaigns in accordance with the Constitution or the law. For that purpose, he shall be entitled to request and obtain the cooperation of the Office of the Attorney General of the Nation, the Office of the Comptroller General of the Republic, all public entities exercising control and oversight duties, and agencies performing the duties of criminal investigation police.

The president of the republic shall regulate this provision and provide the citizen he appoints with all necessary administrative and financial support.

**Transitory Article 35.**

The National Electoral Council shall automatically grant legal status to all political parties and movements represented in the National Constituent Assembly that request it.

**Chapter 5.**

**Transitory Article 36.**

The current comptroller general of the republic and attorney general of the nation shall continue in office until such time as the Congress elected for the constitutional period from 1994 to 1998 elects new ones, which it must do during the first 30 days after it is sworn in.

**Transitory Article 37.**

The first public defender shall be chosen by the attorney general of the nation, from a list of three candidates submitted by the president of the republic, within a period not to exceed 30 days.

**Chapter 6.**

**Transitory Article 38.**

Within a period of six months, the government shall organize and set up a Territorial Organization Commission to be in charge of carrying out the necessary studies and providing the appropriate authorities with recommendations it considers appropriate for bringing the country's territorial subdivision into line with the provisions of the Constitution. The commission shall perform its duties for a period of three years, but the law may give it a permanent character, in which case the same law shall determine the frequency with which the commission shall present its proposals.

**Transitory Article 39.**

For a period of three months, the president of the republic is vested with special extraordinary powers to issue decrees with force of law for the purpose of ensuring the proper organization and operation of the new [territorial] departments created by the Constitution.

In the exercise of those powers, the government may abolish the national institutions responsible for administering the former intendencies and commissaryships and transfer to the territorial entities any national property which, in the judgment of the government, should belong to them.

**Transitory Article 40.**

The municipalities created by departmental assemblies before 31 December 1990 are lawful entities.

**Transitory Article 41.**

If, during the two years following the date on which this Constitution is promulgated, Congress does not enact the law referred to Articles 322, 323, and 324 with reference to special legal rules for the Capital District of Santa Fe de Bogota, the government shall issue the corresponding rules one time only.

**Transitory Article 42.**

Until Congress enacts the laws referred to in Article 310 of the Constitution, the government shall adopt by decree the necessary rules for controlling population density in the Department of the Archipelago of San Andres, Providencia, and Santa Catalina with a view to achieving the purposes stated in that Article.

**Chapter 7.**

**Transitory Article 43.**

To finance the operation of the new institutions and meet those obligations resulting from constitutional revision which have not been offset by reduced expenditures or the transfer of responsibilities, Congress may, one time only, enact tax increases, the yield from which shall go exclusively to the national government.

If, within a period of 18 months after the date on which Congress is sworn in, Congress does not enact those tax increases and it is obvious that the administration's efforts to improve the efficiency of collections and reduce government spending at the national level have not been sufficient to cover the new expenditures, the national government may, one time only, enact the said tax increases by means of a decree with force of law.

**Transitory Article 44.**

The tax subsidy for 1992 shall not be less than that for 1991 in constant pesos.

**Transitory Article 45.**

During fiscal 1992, the districts and municipalities shall receive as a minimum the share in the valued-added tax (VAT) that was established by Law No. 12 of 1986. Beginning in 1993, the provisions of Article 357 of the Constitution concerning the sharing of current national revenues with the municipalities shall be in effect.

Nevertheless, the law may establish a gradual and progressive process of transition beginning in 1993 and lasting for three years, at the end of which the new rules on distribution as contained in the said Article shall take effect. During the transitional period, the amount of revenue-sharing funds received by the districts and municipalities shall in no case be less than the amount received in 1992 in constant pesos.

**Transitory Article 46.**

The national government shall, for a period of five years, operate a solidarity and social emergency fund attached to the Office of the President of the Republic. That fund shall finance projects for supporting the most vulnerable sectors of the Colombian population.

**Transitory Article 47.**

For the zones affected by severe violence, the law shall organize an emergency social security plan to remain in effect for three years.

**Transitory Article 48.**

Within the three months following the swearing-in of the Congress of the Republic, the government shall submit legislative bills relative to the legal system governing public services; the establishment of authority and general rules in connection with publicly provided home services as well as the related financing and system of fees; the rules for participation by representatives of the municipalities being served and by users in the management and supervision of state enterprises providing those services and the rules relative to the protection, duties, and rights of those individuals; and a determination of the general policies for administering and overseeing the efficiency of publicly provided home services.

If the corresponding laws have not been passed by the end of the two following legislatures, the president of the republic shall implement those bills by issuing decrees with force of law.

**Transitory Article 49.**

During the first legislature following the effective date of this Constitution, the government shall submit to Congress the legislative bills referred to in Articles 150(19)(d), 189(24), and 335 regarding financial, stock market, insurance and all other activies concerned with the handling, use, and investment of funds collected from the public.

If Congress has not passed those laws by the end of the two succeeding legislatures, the president of the republic shall implement the corresponding bills by issuing decrees with force of law.

**Transitory Article 50.**

Pending enactment of the general rules to be followed by the government in regulating financial, stock market, insurance, and all other activities concerned with the handling, use, and investment of funds collected from the public, the president of the republic shall intervene in those activities as a constitutional right.

**Transitory Article 51.**

Until the corresponding laws are enacted, the new board of the Bank of the Republic, which the president of the republic shall appoint temporarily within one month following the effective date of this Constitution, shall take over the duties currently performed by the Monetary Board, which it shall carry out in accordance with the Constitution.

The law shall determine which entities shall take over the development funds currently administered by the bank, which in the meantime shall continue to perform that function.

The government shall submit to Congress during the month following the swearing-in of the latter, a legislative bill relative to the performance of the bank's duties and the rules under which the government shall issue its bylaws pursuant to Article 372 of the Constitution.

**Transitory Article 52.**

Beginning with the effective date of this Constitution, the National Securities Commission shall have the status of a superintendency. The national government shall take the necessary steps to adapt the said institution to its new status, without prejudice to whatever measures may be adopted by the government in pursuance of the provisions of Transitory Article 20.

**Transitory Article 53.**

The government shall make the administrative decisions and implement the necessary budget transfers for ensuring the normal operation of the Constitutional Court.

**Chapter 8**

**Transitory Article 54.**

The results of the National Population and Housing Census dated 15 October 1985 shall be used for all constitutional and legal purposes.

**Transitory Article 55.**

Within two years following the effective date of this Constitution, and on the basis of a prior study conducted by a special commission which the government shall appoint for the purpose, Congress shall enact a law recognizing that the black communities which have been settling vacant land in the rural zones bordering on the rivers in the Pacific Basin in accordance with their traditional production practices have the right of collective ownership in certain areas which must be stipulated in that same law.

In every case, the membership of the special commission referred to in the preceding paragraph shall include representatives elected by the communities involved.

The ownership thus recognized shall be transferable only under the conditions provided by law.

The same law shall establish mechanisms for protecting the cultural identity and rights of those communities and for promoting their economic and social development.

Paragraph 1. The provisions of this Article may be applied to other parts of the country in which conditions are similar, following the same procedure and subject to prior study and prior approval by the special commission here provided for.

Paragraph 2. If, at the end of the period specified in this Article, Congress has not enacted the law in question, the government shall do so during the following six months by means of a regulation with force of law.

**Transitory Article 56.**

Pending enactment of the law referred to in Article 329, the government may issue the necessary tax regulations and all other regulations required for the functioning of the native territories and their coordination with the other territorial entities.

**Transitory Article 57.**

The government shall set up a commission consisting of representatives of the government, the trade unions, the economic organizations, the political and social movements, the peasants, and the workers for the purpose of

drawing up, within 180 days of the effective date of this Constitution, a proposal for the adoption of social security regulations.

That proposal shall serve as the basis for the government's preparation of the legislative bills on that subject which it must submit to Congress.

**Transitory Article 58.**

The national government is authorized to ratify signed treaties or agreements which have been approved by at least one of the houses of the Congress of the Republic.

**Transitory Article 59.**

This Constitution and all other acts promulgated by this Constituent Assembly are not subject to review by any court.

**Attest:**

The undersigned, as secretary general of the National Constituent Assembly during the prescribed period, attests that he is signing the Political Constitution of Colombia in that capacity after having reviewed the final text and found that it corresponds in all essential to the articles approved on second reading by the said corporation at its sessions held on 28, 29, and 30 June and 1, 2, and 3 July 1991. That is the sole extent of his attestation on this date.

Bogota, Special District, 6 July 1991.

Jacobo Perez Escobar, Secretary General, National Constituent Assembly (1991).

**List of the Honorable Members of the Constituent Assembly at the Installation Session on Tuesday, 5 February 1991**

1. Abella Esquivel Aida Yolanda 2. Abello Roca Carlos Daniel 3. Arias Lopes Jaime 4. Benitez Tobon Jaime 5. Cala Hederich Alvaro Federico 6. Espinosa Facio-Lince Eduardo 7. Carranza Coronado Maria Mercedes 8. Carrillo Florez Fernando 9. Castro Jaime 10. Cuevas Romero Tulio Enrique 11. Chalita Marcos 12. Echeverri Uruburo Alvaro 13. Emiliani Roman Raimundo 14. Esguerra Portocarrero Juan Carlos 15. Fals Borda Orlando Enrique 16. Fernandez Renowitzky Juan B. 17. Galan Sarmiento Antonio 18. Garces Lloreda Maria Teresa 19. Garzon Angelino 20. Giraldo Angel Carlos Fernando 21. Gomez Hurtado Alvaro 22. Gomez Martinez Juan 23. Guerrero Figueroa Guillermo 24. Herran de Montoya Helena 25. Herran Vergara Hernando 26. Holguin Armando 27. Hoyos Naranjo Oscar 28. Lemos Simmonds Carlos 29. Leyva Duran Alvaro 30. Londono Jimenez Hernando 31. Lleras de la Fuente Carlos 32. LLoreda Caicedo Rodrigo 33. Llorente Rodrigo 34. Marulanda Gomez Ivan 35. Mejia Borda Arturo 36. Molina Giraldo Rafael Ignacio 37. Muelas Hurtado Lorenzo 38. Navarro Wolff Antonio Jose 39. Nieto Roa Luis Guillermo 40. Ortiz Hurtado Jaime 41. Ospina Hernandez Mariano 42. Ossa Escoba Carlos 43. Pabon Pabon Rosemberg 44. Palacio Rudas Alfonso 45. Patino Hormaza Otty 46. Perez Gonzalez-Rubio Jesus 47. Perry Rubio Guillermo 48. Pineda Salazar Hector 49. Plazas Alcid Guillermo 50. Ramirez Cardona Augusto 51. Ramirez Ocampo Augusto 52. Reyes Reyes Cornelio 53. Rodado Noriega Carlos 54. Rodriguez Cespedes Abel 55. Rojas Birry Francisco 56. Rojas Nino German 57. Salgado Vasquez Julio Simon 58. Santamaria Davila Miguel 59. Serpa Uribe Horacio 60. Toro Zuluaga Jose German 61. Trujillo Garcia Carlos Holmes 62. Uribe Vargas Diego 63. Vazquez Carrizosa Alfredo 64. Velasco Guerrero Jose Maria 65. Verano de la Rosa Eduardo I. 66. Villa Rodriguez Fabio de Jesus 67. Yepes Arcila Hernando 68. Yepes Parra Miguel Antonio 69. Zafra Roldan Gustavo 70. Zalamea Costa Alberto

Delegates with voice:

71. Fajardo Jaime (EPL [Popular Liberation Army]) 72. Gonzalez Valentin (EPL) 73. Mejia Dario (PRT [Revolutionary Workers Party]) 74. Pena Alfonso

Presidents of the National Constituent Assembly:

Alvaro Gomez Hurtado [signed] Antonio Jose Navarro Wolff [signed] Horacio Serpa Uribe [signed]